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EDITOR.

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*Pulchrum est bene facere reipublicæ, etiam bene dicere haud absurdum est.*

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THE

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## ART. I.—THE CHINESE AND THE CHINESE QUESTION.

THE Chinese problem is not merely a question of temporary disturbance to a single community. It is one of the migration of races; of the overflow of redundant populations upon comparatively unsettled regions. In its political, social, industrial and commercial bearings upon the future of our country it is of broader import than any other that has ever engaged the attention of the American people. Its proper consideration calls for the laborious examination of many facts, and for a careful investigation of their numerous and complex relations. And it requires that investigations be made, and that deductions be drawn, with the calmness of judicial impartiality. In this, as in every other matter of broad international concern, the narrow pathway of truth is that which leads to safety, and truth is gained only by taking facts without disguise and treating them without prejudice. My own studies have convinced me that Chinese immigration is full of danger to our country, to our institutions, and to our people. My reasons for this will be given in the course of this article, and it will be seen that they are based, not upon unreflecting hostility to any race, but upon proofs that we have opened to a colossal people the opportunity for limitless aggrandizement at our expense, and that we have done this with a recklessness that could only be equalled by one who, dwelling on lands below the level of the sea, should break

down the dykes that hold the impending waves. And if it shall seem that I lay too much stress upon the historical development of China, her laws, her customs, and the character of her people, remember that in a subject so wide and so deep, we shall be most content with our conclusions if we deduce them, not from merely proximate data, but from those that are original and undeniable, even if remote.

For it is only through the study of the past of China that one may form a clear conception of the present character and tendencies of her people. And this conception, when gained, must constitute the basis of all accurate perception of her future relations with the outside world. A population comprising one third of the human race, of a mental, moral and physical type indigenous to the soil, unmodified by external influences and intensified by isolation and successive repetition through tens of centuries, must, in the nature of things, possess an inertia peculiarly its own. The future direction of this can only be foreseen from a knowledge of its line of movement in former times. The slow but progressive development of China has produced a civilization in which the low level of moral and physical life incident to debased and enslaved races is strangely combined with an intellectual vigor that, in all the requirements and vicissitudes of a complex social and political system, has proved itself equal to the promotion of learning and the extension of arts, and to the elaboration of methods and traditions of state-craft not inferior to those that have controlled the policy of European countries and of our own. To understand this, and the logical outcome thereof, is manifestly the first step to a proper appreciation of the conditions of the conflict, peaceful or otherwise, impending between the Turanian and the Aryan races. And such an understanding is best gained by the laborious but fruitful process of tracing the development of China through its salient causes and more noticeable results from the time when offshoots of unlettered tribes crept downward from the Altaic mountains to find homes on the marshy borders of the Hoang-Ho.

China is, for the most part, a fertile plain or basin, bounded

on the east by the Pacific, on all other sides by elevated and comparatively barren plateaus and ranges of lofty mountains. It is watered by two great rivers, the Yellow or Hoang-Ho, and the Blue or Yang-ste-Kiang, and their tributaries. It was upon the banks of these rivers that the Scythian progenitors of the present population formed their earliest settlements. The date is lost in the mists of legendary and mythical traditions, but it is known that nearly twenty-three centuries before the Christian era the Chinese possessed a written language; and as this was original and not derived from any external source, there must have been many ages before this stage of comparative progress was attained. The Yellow River is dyked along its length to prevent its floods from overwhelming the adjoining lands, and its bed is thirty feet above the level of the surrounding country—this elevation having been caused by the gradual deposition of earthy material from the heavily-laden waters. Assuming, although in the nature of things it can be only an assumption, that this deposit is in the same ratio as that laid upon the valley of Egypt by the inundations of the Nile—four inches in a century—it is easy to infer how long a period may have elapsed since the artificial banks were first raised by a sedentary people to protect their fields from injurious overflow. It is, however, sufficient to accept the usually acknowledged date of the beginning of letters as the period in which the character of the race began to harden into permanent form, and the institutions which illustrate if they have not caused its permanence, began to have the force of organic laws. This was but two hundred years later than the historical inception of Babylonian power as unfolded from the study of the cuneiform inscriptions. At that day the Shepherd Kings had not yet entered Egypt. It was nine hundred years before the appearance of the Hellenes in Thessaly; it was more than eleven centuries earlier than the siege of Troy. Since then, Babylon and Assyria and the later Egypt, the great empire of the Medes and Persians, the nations of Macedon and Rome and Byzantium have risen, and ruled, and passed away. Race has followed race and new languages have chased away the old in every land but one,

that between the Himalayas and the Yellow Sea. In that country there has been no change save by the normal development of native faculties and the progress of original tendencies acted upon by the unchanging agencies of soil and climate, and fixed by the utter absence of fusion or admixture with races of different mould.

If there had existed, from the beginning of time, no other people on the face of the earth, the character of the Chinese would scarcely have been different from what it is. They separated from the world in an infancy whose speech was in monosyllables, and which, as we shall see, had not yet learned the use of some of the crudest of the implements of human toil. They spread in scattered settlements that gradually broadened and touched and coalesced. They repelled the Tartar to the north; they drove the aborigines southward and westward from the irrigable lands. Slow, laborious and patient, obedient with a superstitious obedience to the elders whose age gave them experience and made them conservative, they invented for each difficulty only a remedy that met its sharpest detriment and rested content without thought or care for more. In arts, in letters, in customs, every advance from the very outset was self-evolved, sprang from some cause ingrained and inherent in the race itself and its conditions of existence; and each, in its time and place, instead of revolutionizing, intensified and perpetuated the character that gave it birth. It is not without utility that we may trace the development of this peculiar race and note the fixedness of the mental, moral and physical type, the fixedness of social and political institutions due to a strong but coarse racial individuality at the outset, and an environment that, supplying all physical needs, left that individuality to work out its tendencies without hindrance or modification.

Nothing affords more facile proof of the common origin of races, now remote from each other, than does the identity of terms applied to the necessities of life, and the similarity of the rude implements by which the simple operations of industry are performed. The former has shown the primal unity of Sanscrit and Zend, and traced to its farthest source the

origin of the Aryan peoples; the latter shows that the arts of craftsmen had reached a certain excellence before the European parted company with the natives of India. But by neither of these clues can any connection be traced between China and other lands. The language, even in its simplest roots, has no analogue; and the implements of industry have characteristic forms that demonstrate their origin to be distinct. The anvil of the Chinese smith is not flat like the anvils of other countries, but convex on its face or working surface, and the bellows of a Chinese forge, instead of moving vertically, has a horizontal stroke. The paper of the Chinese is thin and weak, is printed on one side only, but doubled to present a folded edge at the rim of the leaf, and a printed surface on each side. The chain-pump of China has a square barrel, that of other lands is cylindric. Brass is made elsewhere by melting together copper and zinc in a crucible; in China by suspending thin sheets of copper, heated almost to melting, in the vapor of molten zinc. The German-silver of Europe is made by combining the materials in their metallic condition; its Chinese equivalent by mingling the ores of the metals and reducing them together to produce the alloy. Spangles are made, not by cutting or stamping from sheet metal, but by flattening wire first bent into annular form. Pewter vessels are not cast, but are shaped by hammering upon a block. The primitive mill used in many countries—in Normandy for crushing apples for cider, in South America for pulverizing ores, in our own country for powdering the scoria of assaying pots, and composed of a wheel travelling in a groove or channel, has, among western nations, its wheel running continuously in a circular track around a vertical axis; in China its wheel working to and fro in a semicircular track, and around a horizontal centre of movement. Chinese lanterns are not made of horn, like those used by the Romans, or of perforated metal as long since in our own country, or of glass, as is now universal, but are of varnished paper stretched on bamboo frames, sometimes of little cost for the multitude, sometimes of great intrinsic worth and blazoned with titles, for the mandarins. The domestic industry of other lands has



obtained the healthful acid of vinegar from the acetic fermentation of the sweet juices of fruits; the Chinese by placing in water the sea polypus found along the coasts. Fish culture, now a matter of government solicitude in our own and other countries, is old in China; but the Chinese fish culturist puts the spawn in an egg-shell and places it under a sitting fowl, and after due delay breaks the shell into water warmed by the sun. These are not trifles. They show that in the earliest period of her existence, China drew nothing from other lands. In what she required she originated all, she imitated nothing.

And even in the things that for ages have been common in other countries, we find that in unnumbered instances their parallelism with those of China is of but modern date: that they, too, at former periods have shown by their use in China and nowhere else that they were but further proofs of the self-sufficing and self-supplying character of the Chinese mind. It was this that discovered the polarity of the magnetic needle and applied it to use in the compass, and obviated its dip by the simple device of placing its weight below the point of suspension; and it was this, too, that first perceived and made allowance for the variation of the needle from the true pole. It was to this that was due the invention of printing and its perfection to the highest degree permitted by the language, for with the Chinese alphabet there is no advantage in interchangeable types. It was from this that arose the invention of paper in the first century of our era, the production of inks having a carbon base, as with the printer's-ink of to-day, and the manufacture of lamp-black from the burning of oils. It was this that devised the drilling of grain as distinguished from broadcast sowing, a method that saves in the annual seedtime of China as much as would feed the inhabitants of Great Britain and Ireland. The primitive Chinese mill for the hulling of rice is substantially the same as the modern mill for decorticating wheat; and another apparatus for the same purpose, a lever armed with a stone at its outer end and actuated at the other by arms radiating from the shaft of a water-wheel, differs in no essential respect from the principle of the trip-hammer.



What in our day is known as the Belgian system of canal propulsion, and now on trial on the Erie Canal, was derived from the Chinese method of crossing rivers. The plan by which life-boats are worked to and fro for the relief of stranded vessels is the same as that by which the ships of mandarins were drawn against the current of the Yellow River centuries ago. The paddle-wheel was used for purposes of propulsion in China long ages before it revolved in western waters. It was the structure of the Chinese junk that afforded the prototype of the water-tight bulkheads used in our modern steam-ships. Upon rafts or hurdles of bamboo the Chinese spread layers of earth which they cultivated like garden soil, and thus anticipated by ages the floating gardens of Mexico. In our own country a factory system of making cheese and butter was initiated about thirty years ago; the like was done by Chinese sugar-makers generations before the existence of our continent was known to the eastern world; and the same workers of the cane first used the waste bagasse for heating the evaporating pans. Within the past sixty years the division of labor has become the distinguishing feature of the industrial systems of Europe and America: the potteries of King-te-Chin have practised the same for many ages, the consecutive labor of fifty different workmen being necessary to the production of a piece of the finest ware. They terraced the slopes of the mountains with walls of stone for the growth of vegetables, as the shores of Lake Lemman are terraced today for the cultivation of the vine. Mindful of the chemistry of the soil, they early learned to temper sandy lands with clay, and clay lands with sand; and they carefully gathered and applied all manner of fertilizers at a time when the wealth of the Roman plains was passing through the great *cloaca* to the Tiber and the sea. They were the first to unwind the cocoon of the silk-worm and weave fabrics from its threads. They were the originators of porcelain, and *Kao-lin*, the name for the clay of which it is made, has passed into the industrial nomenclature of Europe. They invented gunpowder, not only for fireworks and for explosive mines in war, but for fire-arms, for the embrasures of the Great Wall are fitted for

the reception of the swivels of wall-pieces; and more than six centuries before the Christian era their cannon bore the inscription: "I hurl death to the traitor and extermination to the rebel." They discovered, too, in remote times, that the best charcoal is made from willow, a fact recognized to this day by manufacturers of gunpowder in all parts of the world. They burned petroleum in lamps long before such use was dreamed of among the western peoples: they sunk salt-wells hundreds of feet through varying strata and, finding that inflammable vapors arose in large volumes, they led them to the furnaces for use as fuel in heating the furnaces. They rendered potable the muddy waters of their rivers by treatment with alum—a process employed in Europe with effect for removing clay and other earths from water intended for use in various branches of manufacture.

But these are far from all. They adopted the decimal system for measures of quantity and weight and value, centuries before French legislators recognized its utility or French scientists formulated its application to the traffic of Europe; and now, as in the days of the first coinage of copper, the *lee* or *cash*, a disk with a square hole in the centre to permit it to be placed on a string, is the tenth of a *fen*, and the *fen* is the tenth of a *chen*, and a *chen* the tenth of the value of an ounce of silver. Their units of volume and length were literally native to the soil, for the one is the cubic contents of a hundred of the grains of the *Kow-leang* or high millet, the *Holcus sorghum* of the botanists, and the latter the linear space occupied by a certain number of the same grains, which also afforded a standard of weight.

In minor industries the Chinese long ago saved the cullm and dust of coal and mixed it with clay and soft earth from the marshes, to form an artificial fuel, an invention currently believed in other countries to be of recent years. They were the first to make spectacle glasses from sections cut from rock crystal. They made cloth from the bark of the nettle, a project revived in Germany as new within the past five years; and they applied to the extraction of color from a native plant the processes by which indigo is extracted from the *Indigofera*.

They hatched the eggs of fowls by artificial heat, the method by which ostriches are incubated on the ostrich plantations of South Africa. They found food in the roots and the seeds of the lily growing in reedy ponds, and purified the nauseous oil of the *Palma-Christi* until it became edible and sweet. They trained the sheep to carry burdens through the highest defiles of neighboring mountains, and taught the brown cormorant to fish in behalf of his owner in the dun canals.

Such were the manifestations of the Chinese intellect as applied to the useful arts. Such were the implements and methods by which the genius of China manifested itself in originating the industries by which her constantly increasing population has been sustained, and which through almost unnumbered ages have formed the basis of her power and the foundations of her home and foreign policy. But it is to be remarked, and the fact illustrates not only the nature of the people but the policy of the government, that every art, every implement or method related only to the furtherance of manual operations. Nowhere is there the slightest evidence of intent to encourage labor-saving machinery which, by dispensing with the labor of some, lessens the cost of the products of labor to all; but everywhere the ready devising and adoption of whatever furnished employment for human hands or opened new sources from which the individual could derive food and raiment by personal labor. Within these limits all was devised that was required for use in the agriculture or manufactures of the country. But the limit was early reached. Hence the lack through many ages past of industrial advancement which has given to the arts of China the almost stereotyped character manifest in her social and political institutions. Arts and industries thus restricted could only attain excellence through the highest development of mechanical skill; and their rewards could only be obtained through the cultivation of certain faculties and these not separately but together, which may be briefly enumerated as accuracy of perception, closeness of calculation, imitativeness in a rare degree, and unwearying patience. The conditions of existence, from the time of the building of the first mud cabins on the banks of

the great rivers, had developed these qualities with an intensity not equalled elsewhere in the world; and thus a symmetry, perfect of its kind, in the nature of the people enabled them to exel to the utmost within the narrow boundaries assigned by policy, by usage and tradition. This excellence and others akin to it, which constitute an indefeasible merit so far as concerns the Chinese in their own country, is a standing menace as an element in the relations of China with the rest of the world.

In any employment where the qualities referred to are essential to success the Chinaman, their inheritor through a hundred generations, is to be esteemed for his skill and feared for his rivalry. The Chinese waterman will hold the sheet of his sail with one hand and steer the craft with the other, while with his foot he feathers an oar to aid the work of propulsion. The Chinese farmer, in the working of tilled fields, fits the ground for the seed by causing one laborer to dig the stubble with a hoe, another to shake off the earth and lay the haulm in little bundles, while a third stirs the untouched soil between; this manual labor rendering the ground suitable to be further broken by a plow drawn by men and women yoked thereto, or, if the ground be tough from the presence of clay, by a single buffalo. The Chinese colorist uses the pigments common in Europe, but secures a higher brilliancy by longer and more careful levigation in their production. What the Chinaman has once seen done he can do himself, with refinements of execution due to his close perceptions and habits of accurate work. Once taught, he works as an automaton, but as an automaton endowed with consciousness. I shall never forget my first sight, years ago in San Francisco, of a Chinese artisan at his work. It was only the making of cigars, but the tawny fingers moved as if directed by the regular stroke of steam, and with an accuracy that no mechanism could have surpassed. Making no haste and no pause, impassive to the curious gaze of the onlooker, his horizon apparently bounded by the space of the bench before him, stunted in figure, and with the dull and animalized visage peculiar to his race, he stood, a being trained to manual dexterity by forty centuries

of labor, but devoid of the wants, the aspirations, the high humanity with all its attendant needs which forty centuries of intellectual, emotional, and physical advancement have given to the races with which time and circumstance had brought him face to face.

The conditions of soil, climate, and geographical position which have moulded the industries of China, have furnished the basis of her governmental policy. Extending over many degrees of latitude, the climate permitted the growth of widely varying products. The general contour of the surface being low and level, watered by great streams, and favorable to the construction of canals, the productions of one part of the country supplied the needs of others, and an internal commerce served at once to provide occupation and livelihood to a large proportion of the people, and to supply all actual necessities of the whole. Many articles, both agricultural and manufactured, are produced in their greatest excellence in but few localities, from which they are, and for many centuries have been, distributed to other parts of the country. For instance, from its northern portions have been drawn its supplies of salt and in a less degree of coal, iron, and porphyry, copper and gold,—musk from the mountains of Kansuh, and strange drugs from the plain of Shantung. From Kansuh, also tobacco, milder than ours, but none the less esteemed. From the eastern provinces, the most fertile, healthful, and productive of the whole kingdom, and containing nearly half its population, are derived the woven silks of Soochoo, and the vividly colored crapes and fine embroideries of its rhyming neighbor, Hoochoo. Witness, also, the raw silks of Kangsoo, the satins of Nankin, and the fermented liquors of Shaouking; the green teas, inks and varnish of Galmwuy, the hemp and grass-cloth of Keangsi,—the latter made from the China grass or ramie which has baffled the inventors of Europe and America in attempts to successfully apply machinery to the separation of its fibres; the fine porcelain of Kinkinching, and the hams of delicate curing from Kimwha; the rhubarb and musk, the paper and lead of Hunan. From the western regions, nearer the sources of the two great rivers, and bordered by mountain fastnesses

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occupied by tribes yet wild and unsubdued, are brought herbs and roots of medicinal fame; copper, gold, and brass and silver, iron also, and cinnabar from which the celebrated vermilion is made. From the south the black teas, the iron, alum, and tobacco, the camphor, sugar and indigo of Fokeen; the sugar, cassia and betel-nuts of Kwangtung, and the varied and unrivalled manufactures of Canton. Such are a few of the sources of traffic which unite the whole of China in a network of business relations that, by their constant attrition, excite the national intellect to the highest activity in the practical affairs of life.

Because of its diversified productions, each more plentiful in a few favored districts, each portion of the country has found itself more or less dependent upon all the others, and each has found in the other its sources of profitable labor and remunerative trade. And although some little traffic naturally arose between China and the landward regions adjoining, and some with adjacent coasts, she found herself practically independent of foreign commerce, free from all need of it, at a period so remote that no record exists of its beginning. In the watered lowlands or irrigable regions abundant crops of rice, in the northern provinces of millet, gave sustenance and afforded occupation to the great mass of the people; while the other arable lands cultivated by manual labor, or only by the use of the buffalo as an animal of draft, fertilized and tilled like gardens, gave variety to the agricultural productions of the country, and yielded for a given area more than could otherwise by any possibility be obtained. For the Chinese learned early that the surface of soil required to support a farm animal is three times that required for the sustenance of a human being. The localization of special products and special industries, and the interchange of commodities, afforded still other outlets for industrial energy and provided the means of supplying the wants of each from the resources of all. It was not without wisdom, therefore, that the rulers of China accepted the belief that a system of national isolation which arose originally from geographical position, and which had worked well for unnumbered generations, should not be given



up; that a foreign commerce of which she had little need should be discouraged as a disturbing element having, to her, stronger possibilities of mischief than of good.

We may now pass to a more complex phase of the inquiry; that in which racial proclivities are added to physical conditions as factors in the development of Chinese character, and of the elements, good or bad, of Chinese power. And in this we should trace the induration of native endowments by the reiterated effect, through four thousand years, of moral and intellectual laws, as we have sought to trace the results of physical conditions upon those of their institutions more directly acted upon by the moulding action of subjective influences. The process is perhaps more difficult in the one case than in the other, because we must judge of character by its manifestations, while the facts of the physical world lie upon the surface. But it is not necessarily more obscure in its inductions or uncertain in its results. In the pursuit of this branch of our study we may learn that current Caucasian public opinion has underrated the strength and astuteness of the Chinese intellect, and has overrated any other claim which China may have to the favorable consideration of Caucasian communities. We may find, if I mistake not, that the Chinese character is strong not only in its positive but in its negative elements; that the very absence of those finer and higher qualities, which are with us believed to be essential to enlightened communities, has given, and will continue to give, a preponderating power to the Chinese in all that relates to merely material success: in brief, that their civilization bears the same relation to that of Europe and America that the proverbial iron pot bore to the flask of porcelain as the two in contact floated down the stream.

We have already seen that the industries of China were self-evolved; sprang from no foreign source, and were unaffected by any external agency. This carries with it the conviction that the intellectual type must have been developed in like manner, for the same conditions which exclude the idea of any subjective force in the formation of industries necessarily exclude any corresponding idea as to the formation, development,

or progress of the racial mind. That this is the case is also shown by the fact that the governmental, social, and religious institutions are simply an extension of those which control the family in the earliest stages of society. This can be traced in the constitution of the Chinese Empire as clearly and certainly as the banyan tree, spreading its connected trunks over many acres, can be traced to the solitary stem from which it originally sprang. The Emperor stands as *paterfamilias* to all his people; the governors of the eighteen provinces are in the same relation to those below them, and so on, through all the grades of authority, down to the family over which the father exercises absolute control. The social duties have for their essential foundation, first, reverence for the head of the family, and second, reverence for the paternal authority embodied in the officers of the law. Religion, although tolerated in almost all its forms by the State, is, with the Chinese, little else than the worship of ancestors, notwithstanding that their mythology is full of gods,—some of them mortals who died within historic times, and others merely the evils which they dread, for to them even the small-pox is an object of adoration. In the dwellings of the great mandarins are sanctuaries sacred to the burning of perfumes, the presentation of offerings, and the making of prostrations to the memories of their forefathers, and for communication with the spirits of the dead. The poorest laborer, crowded with a score of others in a single room of a mud-built dwelling, has, in a corner of his lodgement, a shelf sacred to the same purpose. Sacrilege itself is defined by the Book of Rites as disrespect to one's progenitors. This, strange and puerile as it may seem to us, becomes almost grand in view of its depth and intensity. It shows how far, after all, the emotional nature of man is superior to external surroundings. For this worship, which dominates China today as it has done for thousands of years, is but the survival, developed and intensified, of the awe with which the earliest Scythians, impressed with the fearful mystery of death, heard the voices of the departed in the storms of the mountain valleys or the rustle of the wind through the grass of the starlit steppes of

the North. Necessarily associated with this reverence of their forefathers is a like reverence for the forms, usages, and customs of antiquity. Hence the permanence of their laws, their stability as a people, notwithstanding the turmoil of many terrible revolutions. These usages and customs have sprung from the same source as the beliefs of the people and are the outgrowth of the idea of the family. For although the inhabitants of northern China may readily be distinguished by speech and appearance from those of the south, yet all read the same language, and all, in essential things, obey the same rules and follow the same principles of life and conduct, and this, not only as individuals, but as a colossal community.

Carrying one of the most sacred laws of the family into the organization of the State, the members of any one of the twelve tribes, each having a common name, must marry outside of his tribe, and with one whose name is different from his own. As a result of this the relationship of blood extends through all parts of the Central Kingdom; and each tribe, though distinct in itself, is bound by innumerable ties with all the others. The idea of the family implies mutual coöperation and helpfulness, and thus, in theory and practice, that which is the controlling motive of the civil organization becomes also the leading method by which the ordinary affairs of life are carried on. Nowhere else in the world is the principle of coöperation so well understood, and nowhere else is it carried into effect with so much utility. No man stands unsupported and alone among the Chinese. Throughout the whole country there are loan societies by which the burdens of high interest are lessened. Every trade, profession and business has its associations; even the robbers and beggars form themselves into guilds; and in localities where the governmental authority has for the time proved too weak to maintain order, voluntary combinations of the inhabitants have supplied its place.

Thus in the nation, as in the families from which it sprang and which formed its archetype, the most absolute form of a centralized government is made consistent with the utmost freedom of individual action. The personal volition of the Chinese is subject only to the rites, observances, and

convictions which are as much a portion of the people as is heart or brain, and as necessary to their normal existence as the air they breathe or the soil they cultivate. For their convictions are so strong—their rites and observances so fixed and permanent, that no conquering dynasty has ever changed them; so strong and so permanent indeed, that every ruler has respected and adopted them. When, centuries ago, Genghiz Khan, the Tartar chieftain, subdued the land, he held it for himself and his descendants only by conforming in every possible way to its established customs; and when one of his line attempted to disregard these, the rule of the Tartar gave way to that of a descendant of the native kings. In modern times the conquering Mongols, who for two hundred and forty years have been the political rulers of China, have held their place only by becoming the embodiment of Chinese traditions. The paternal idea is indeed carried consistently to the utmost limit, in providing for the remote as well as for the immediate welfare of the people. It is this that from the most ancient times has instituted the multiplicity of schools, and has opened the highest ranks, below that of the emperor, to those excelling in scholarly attainments without regard to their original condition of life. It is rare to find in China an individual who cannot read and write. The precepts of their wise men are painted upon the fronts of the buildings, so that, literally, he who runs may read; and an official gazette, probably the oldest newspaper in the world, carries the intelligence of the work of the Government to the remotest parts of the Empire.

Nor must it be imagined that this organization, so simple in its intricacy, and so strong in its apparent weakness, is a thing that has culminated and is now passing to decay. The life of China has been long, and her growth proportionally slow. But it needs but a brief recurrence to her history to show that there has been constant progress toward an end not yet reached, a development that is not yet completed. We have seen that it was twenty-two centuries before the Christian era when the Chinese mind first formulated its thoughts in written speech, yet it required seventeen hundred years before the outgrowth of that intellect took intelligible form in the

writings of Confucius and Lao-Tze. It was one thousand years later still before the system of the great exponent of philosophy and of the laws was regularly organized. And it was two hundred years after this before the Government itself adopted a system of promoting to the utmost those arts and industries upon which the prosperity of the people more and more depended as the population increased, and the conditions of life became more complex. For it was in the ninth century of our era, according to an Arabian chronicler, that the Chinese were, "of all the creatures of God, those who have the most skill in the hand, in all that concerns the arts of design and fabrication, and for every kind of work." The same writer says "that when a man has made anything that probably no one else could be able to, he carries it to the governor demanding a recompense for the progress he has made in the art." The test of its excellence was, that it should be kept for a year subject to the criticism of all who came, and if no real fault were found, the maker was promoted by being taken into the service of the Government. Quaint tales are told in Chinese history of the working of this plan, and illustrating, not only the excellence to which the arts were brought by this method, but the closeness of observation and severity of judgment then, as now, one of the salient characteristics of the race. It is said that an artist represented a sparrow, perched on an ear of standing grain, with such consummate skill that none doubted that the bird was alive; but it so happened that the ear was shown as standing straight, whereas if the bird were perched upon it the stem would be bent, and so the artist lost his reward. In the arts, as in letters and policy, the same slow gradation of successive progressive steps is seen. It certainly required many hundred years to construct the immense system of canals which, even in the beginning of our era, are known to have aided agriculture and facilitated the inland commerce of China. But it was not until the year A. D. 605, that the Emperor Yangti enlarged the entire system and connected the two great rivers. In the early ages of China the records were written on wooden sticks; the art had advanced in the time of Confucius to the painting

of the characters on paper. Yet it was only after fifteen hundred years from this that wood-engraving and stereotyping came into use. It was not until the thirteenth century that the distillation of grain for the production of alcohol was discovered by the Chinese; and it is only since the accession of the Manchoo dynasty that foreign grapes were brought into the country, and there acclimated.

Although, as we have seen, progress has been slow in China it has been sure; and every forward movement, whether slight or great, has added to the resources and the permanent prosperity of the people. The relations of China with other nations during the past century have forced upon her a policy that, when carefully examined, will show a more rapid and more aggressive advancement than any other portion of her history; a policy which, as we shall have occasion to consider, cannot, if continued, fail to have the most important bearing upon the future of our own country and, indeed, upon the future of the civilization of our race.

The retrospect of the past of China and her people shows absolute fixedness and absolute permanence in the direction of the Chinese character, but nothing that indicates that this character is stationary. Its scope is limited in certain ways, but in the line of the course which it has followed for more than four thousand years its path lies open, broad and clear, as it did in the infancy of recorded time. Yet, with all that we have thus far seen, a fair conception of the favorable side of the Chinese character is not yet fully given. Reference has already been made to their close and accurate powers of observation as displayed nearly ten centuries ago, and which form no inconsiderable element of mental strength and intellectual success. A distinguished traveller, in the early part of the present century, attributed to this the numerous discoveries of the Chinese in agriculture, by which they utilized plants of no worth in other parts of the world. And the thoroughness and completeness of Chinese ethics and practice, as applied to the paternal guidance of the population, is demonstrated by the fact that this faculty of observation has been encouraged by Imperial teaching and example. It is written in the Chinese books



that the Emperor Kiang-hi saw in the first day of the sixth moon a field where rice was sown to be harvested in the ninth. But amid all the myriad ears there was one already ripe. He gathered it; planted it through thirty successive seasons, and from it came the *ya-mi* or imperial rice, the only kind that can ripen north of the Great Wall, or that will yield two harvests a year in the south. This new cereal added to the food resources of the multitudes of Mantehuria, and may yet find its place among the grains grown in our own country, if, indeed, it has not already done so.

This faculty of observing the importance of apparently trivial things lay literally at the foundation of one of the greatest works of China. The Tartar horsemen from their infancy were seen to have legs banded to the curvature of the sides of the saddle, and therefore weak in marching or fighting on foot. Hence the Great Wall, a thousand miles in length, was built, and the Tartars were shut out in the same manner and with the same childlike forecast as the wild beasts that shared with them the wide pastoral wildernesses of the North. The accuracy of perception and the close study of what passes under their observation form the basis of the strong imitative power of the Chinese—the faculty that renders them such dangerous competitors in the practice of every art affording scope for manual dexterity. The same faculty has also made them proficient in arts which they employ alike in the ordinary relations of life and in the highest work of diplomacy. They have been well said to be a nation of actors. The Chinaman is as subtle and facile in whatever requires intellectual work as he is in the performance of manual labor. Add to these faculties that of a suavity and politeness which, though ordinarily formal in the extreme, is nevertheless refined and delicate. In nothing does this appear more clearly than in Chinese diplomatic correspondence with the representatives of other countries. The communications from Caucasian powers have often been singularly rude and uncourteous when compared with the polished and considerate phraseology employed by the Chinese dignitaries. No civilization can be wholly deprecated which has fostered and developed the

characteristics which we have thus far seen to be inherent in the people of China,—characteristics that, almost without exception, are found to be universal with her people; with the ignorant, as with the educated, with the laborer as with the mandarin. And these qualities, always formidable in contests of diplomacy between nations as between individuals, become doubly so when through long growth and persistence they have been intensified, and made unchangeable as elements of national character.

However objectionable from our stand-point the Chinese type may be, it is of marvellous symmetry when considered by itself. Its more ignoble parts are not in any wise inconsistent with those which compel respect: on the contrary, its virtues give vigor to its vices, and the two together, combined in closest union, afford a racial individuality that for aggressive purposes is of more than giant strength.

The slow and deliberate savagery of the Chinese has been remarked from the earliest times in which they came in contact with the western peoples, and is shown in every relation of personal life and national policy. In the ninth century the foreign trade of China temporally acquired considerable magnitude, and led to the settlement of many foreigners in her seaport cities. One hundred and twenty thousand of these were massacred at one time in the capital city of Tehe-Kiang. These were Christians, Hebrews, Mohammedans and Magians, whose numbers were ascertained from tax-lists; of the number of natives who were murdered on the same occasion, no record exists. There is no reason to suppose that this was the first instance of the promiscuous slaughter of a large population. Nor from that time to this has there been a single instance in which bloodshed has not been carried to the utmost, wherever territory has been conquered by arms, or cities have been subjugated by siege. Less than seven years ago, the city of Schu-chang, in the province of Kansuh, was held by rebels, and was invested by the Imperial forces. The fortifications were breached by the explosion of mines and then carried by storm. After the surrender the chiefs were hacked in pieces. Nearly sixteen hundred men were laid



on the ground in rows and then beheaded. In the words of the *Pekin Gazette*: "The same night the same corps entered the city, and set it on fire; bullets and spears did their work till the whole local Mahometan population, numbering more than five thousand and four hundred, save about nine hundred females, children and old folk, were given to the flames, and peace reigned in Schu-chang." The official account adds, with the greatest equanimity, that "the maiden and the wife had far from escaped violation," and closes with the statement that the enemies of the Emperor "had been executed as their muster-roll was called, like sheep or pigs in their pens, not one escaping." Such is now, and such has been from the earliest times, the Chinese idea of conducting war.

The ingrained ferocity of the people, however, both in the present and the past, is even better illustrated by their laws and by their social customs, which, as we have seen, have been the slow and determinate outgrowth of the nature of the people through unnumbered ages.

The intent of the Chinese law is to strike the innocent as well as the guilty, and to punish the offender by inflicting suffering, not only upon him, but on all connected with him. A person convicted of high treason is condemned to a slow and painful death, a death preceded by torture many times repeated; for executioners are skilful in reviving the victim for renewed torments. Not only the criminal, but his father, grandfather, sons, grandsons, paternal uncles and their sons, are condemned to death, while all the male relations under sixteen are subjected to a treatment too gross to be mentioned here, and given to the great mandarins for slaves. The female relatives of all ages are consigned to slavery, and all the property is confiscated. Notwithstanding these terrible penalties, no trial, in the proper sense of the term, is afforded the culprit; his case is heard without a jury before a mandarin, who is at liberty to hear or reject as much of the testimony as he pleases; and although a rehearing may be had at the instance of relatives, yet no counsel can be heard, and even the argument of the relations is a matter of favor and not of right. The debtors of the Emperor, if shown or claimed to be guilty of fraud, are strangled,

but if the non-payment be due merely to misfortune, the Imperial creditor confiscates their property, and sells their wives and children to slavery. A slave who strikes his master is beheaded; if he strike with intent to kill, he suffers death by torture; if he accidentally kill his master, he is imprisoned for a certain time, and then strangled; if he accidentally wound him, he is banished to the distance of three thousand *le*, but not until he has received one hundred blows. If a slave is impudent to his master, he is strangled; if to any of the relatives of his master in the first degree, he is banished for two years and receives fifty strokes with the bamboo. The nature of this common method of punishment in China should be understood. The victim is suspended from a beam by means of a rope tied to his wrists and feet, leaving his body bent in the form of a bow; his flesh is torn to tatters by executioners standing beneath. It is the common custom, after the prisoner has fainted, to restore his strength by remedies, in order to permit a repetition of the operation. The extent to which the law, in other words, the bamboo, is brought to bear in all the relations of life, is shown by the fact that when a trader deliberately plans to undersell his neighbors so that they cannot dispose of their goods, he is punished with forty strokes. Chinese marriages are not arranged by the parties directly interested, but by their relatives. If one of the family recalcitrates, after a betrothal has been agreed upon, the head thereof receives fifty strokes with the bamboo, and under this legal process the wedding ceremony takes place perforce.

But the intent and practice of Chinese legislation do not stop with even this, for wherever a person observes a line of conduct that may be alleged as offending propriety, even if there be no special infraction of any established enactment, he is liable to receive forty to eighty blows. These peculiarities of Chinese jurisprudence readily account for the fact that all the mandarins speedily grow rich. Where torture is the mildest form of punishment, a due gradation must render the death penalty frequent for faults considered to be of a graver kind. About a hundred years ago a subject ventured the advice that the Emperor declare his successor, for which heinous offence

he was put to death. The Ming dynasty declared that paper money should be considered the same as copper coin, and that whoever demurred to this should be beheaded. Up to the beginning of the present century, death was the punishment of natives who taught Europeans the Chinese language, or who revealed to foreigners the methods of Chinese manufacture. During the inception of the opium trade, the penalty of death was put into effect to deter the native population from purchasing or dealing in the article. Before the power of the western nations had made itself so effectually felt in China, foreigners penetrating to the interior were beaten, starved, and finally beheaded for their temerity.

A people living under such institutions must necessarily be given over to all the vices that form the common heritage of slaves, at the same time that their peculiar structure of society secures to them many of the strengthening attributes of freedom. Out of the condition of continual subjection to physical force, and the fear of bodily and financial harm, have been developed two notable faculties in an inordinate degree: one, that of deceit and trickery, by which punishment may be avoided and personal benefit obtained; the other that of avarice, the desire for the accumulation of wealth and the enjoyment of physical ease. For it is a law of nature that people appreciate and value most that which they are in the most danger of losing. Out of the same conditions, also, has sprung a disregard of human life which permeates all classes of society. When, thirty years ago, a new emperor ascended the throne, he put to death the counsellors of his father, who, under the stress of necessity, had added somewhat to the privileges of the Europeans. Among the lower orders, the same merciless spirit is shown in the common practice of infanticide; and incidentally and in a less degree, by the almost uniform neglect of the boatmen on the Chinese water-ways to rescue those whom they may see drowning in their immediate neighborhood. A French traveller recalls an instance in which a number of prisoners who were being carried through the country, had their hands spiked to the cart in default of ropes with which to tie them; and it has been recorded as frequently

occurring, that gamblers, after having lost even their clothing, have, in the northern provinces, been deliberately allowed in the depth of Winter to freeze to death. The propensity to gaming, it may be remarked, exists among the Chinese to an extent seen nowhere else in the world. When his last coin or his last rag is gone, the Chinaman has been known to gamble for his fingers—each player, as he loses, suffering the finger to be chopped from his hand. It would be almost impossible to comprehend a character so frantic or so debased, were it not that the statements are made on authority that can hardly be doubted.

As there is seldom a wide discrepancy between the social circumstances of a people and the laws under which they live, the social condition of the Chinese might be inferred from what has been already said. It is best proven, however, by their treatment of women. There is every reason to suppose that jealousy was the original motive that led to the mutilation of the feet of females, common from the remotest times among all except the very lowest classes of the population; and the custom may also serve as an example of the brutal directness with which the Chinese pursue any object they may have in view. The women are treated as slaves; are presumed to have no souls; and are in many cases subjects of established and regular traffic. A member of the British Legislative Council at Hong Kong said, nearly fifty years ago, "the traffic in females is too disgusting to detail—the facts are revolting to humanity." Their place in the household is one of abject drudgery; and, as in infancy they are believed to be hardly worth the trouble of maintenance, so in youth they are not thought to be worth the expense of education, save in the arts of embroidery and the like; and when fully grown, are measured only by their value as instruments of labor or pleasure. It is said that the experience of the Chinese women, abject and degraded as it is, has led many of them to a faith, repudiated by their masters, in a hereafter where sorrow does not exist—a faith springing from suffering; the strange fruit of earthly despair.

It may be very easily conceived that in such a society

religion can hardly exist. That the Chinese worship the spirits of their ancestors we have already seen; and as this is the oldest faith that they have ever known, so also it is the only one in which the belief can be said to be sincere. The creed of Confucius held by the educated classes is simply a formula of materialism in which morality is taught because of its beneficent results on earth, but in which there is no gleam or glimmer of the higher truths which lead humanity to loftier levels of thought or emotion, or which finds in a future life the rewards or punishments of good or evil. Mahometanism in China is even less in morals and ethics than it is in Turkey or in the Barbary States; and Buddhism there retains no spark of the lambent light which shone on India in the earlier days of the cult of Guatama. The Chinese character—intellectual, moral, or emotional—appears to have in it nothing of the religious element, as the term is understood among other races. It has successfully resisted or debased creed after creed that has found either a temporary or permanent place within its borders. The soiled streams of Mahometan and Buddhistic belief found deeper soilure in the degraded ideas of the Chinese, while the purer faith taught by the Nestorians a thousand years ago was extinguished by fire and sword; and the efforts of the Roman missionaries, fervent, earnest and continued through centuries, have grasped only a spotted handful here and there from the sodden harvests of Chinese belief. Whatever may be claimed as to the successes of the missionaries of more recent times, or of other churches, we shall see further on that they afford little encouragement to Christian hope; and if in the future they shall bourgeon into promise of greater fruitfulness, it must be under conditions widely different from those that now exist.

Having considered those characteristics which belong to the Chinese as a practically homogeneous people, and which are common to all grades and classes, we may well ask by what standard of intellect and attainment this colossal population is managed and controlled. In other words, our study now leads us to an examination of the status for governmental purposes of the governing classes. These include, of course, the

Emperor, and his subordinates, the mandarins. Thirty years ago, these latter were stated as numbering somewhat less than fourteen thousand scattered through the country, together with two thousand four hundred at the court. These belong to the civil branch of the Government: the military mandarins numbered eighteen thousand five hundred. The former, however, rank the highest in point of popular respect and administrative power, and with them mainly lies the control of the vast Empire. They are, and have been, during at least three thousand years, drawn from all ranks of the people; their promotion through the several grades being dependent upon their proficiency in literary studies and their success in passing literary examinations. As these studies are those that have been accepted and formulated through many centuries, the officers of the Empire are necessarily imbued with the popular reverence for antiquity, and are fixed and riveted to established usages. As the examinations are competitive, it follows that the strongest intellects are those which rise the most readily and rise the highest. As craft and subtlety have no less scope in this than in any other department of effort, it results that the keenest minds come soonest into power and longest maintain their place on the treacherous sands of official responsibility. As politeness, not less than the other characteristics we have mentioned, is always an element of success, those who combine urbanity with the stronger intellectual traits are first to receive the management of questions of State requiring high administrative skill.

Reasoning from such data, we may infer with certainty that both the home and foreign policy of China is founded on far-sighted ideas of national welfare, and is carried into effect with no inferior degree of executive talent and experience; but this conclusion need not rest on inference alone. It is demonstrated by what is known of the civil policy of China during many centuries past, and foreign ambassadors have not been slow to concede the qualities of consummate statesmanship to the high officials with whom they have been brought in contact. These qualities are displayed in the strict ceremonial by which the honors of office are held before the eyes of the populace, in order that authority may receive its full meed of the respect



which tends to insure obedience to law; each grade among the mandarins being entitled to special observances of regard from all below, and the Emperor being held as the incarnation of all that is to be revered by men. They are shown also by the extent to which the people are regularly informed of all that is believed necessary for them to know, and yet systematically misled in whatever becomes the interest, for the time being, of the Government to withhold, as was well illustrated after the victories of the English, when the Chinese throughout the Empire were made to believe that the invaders, instead of being victorious, had paid tribute for permission to retire from Canton. They are illustrated in a stronger degree in the mingled force and acuteness with which the outlying dependencies are held in allegiance to the Central Kingdom, a leading example of which exists in the political subjugation of Thibet, which is ruled through a Grand Lama, whose appointment by sinuous methods has long been controlled by the Emperor. The same craft and astuteness were also displayed in the influence brought to bear upon Nepaul as against the interests of Great Britain, and with the manifest intent of maintaining an independent State as a barrier between British India and the western confines of the Empire. The statesmanship of the Chinese rulers is further shown in their systematic knowledge of the condition of the outside nations, and the manner in which the Imperial policy has been modified according to the necessities indicated by external circumstances.

A few passing references to historic events will illustrate this. A thousand years before our era, foreign embassies passed from India to China, and from that time to the present there has been no exigency requiring the exercise of astute foreign diplomacy that has failed to call it forth. Wherever interest, whether of trade or of policy, has made it requisite that the representatives of China should pass to foreign governments, they have done so. And what is now deemed a step forward on her part in sending envoys to the United States and the western powers is but a recurrence to what she has done, on occasion, during many centuries. In the year 141 B. C., the Emperor Woo-te sent embassies to

encourage foreign trade, and twenty years later his successor sent a plenipotentiary, with a retinue of one hundred persons, to visit the regions of the West; and only twenty years later still, the Chinese Emperor received tribute-bearing embassies from Japan. Two centuries and a-half after this a similar tribute came from the King of India; and after this in rapid succession were embassies from Rome and India; and so onward, although at comparatively long intervals, down to the present time, ambassadors have been sent and received by the Chinese Government. Where Chinese interests have required it, her embassies have gone forth with pomp to distant nations, and, in like manner, when she had no purpose to serve, those of other countries have been met with the same pomp harnessed in the guise of contempt. But whatever her course, there has seldom been an instance in which, from her stand-point, her methods have not been dictated by a far-sighted and enlightened regard for the welfare of her people.

We have already seen that more than two thousand years ago she encouraged trade with nations less powerful than herself, and that in the ninth century her ports were open to the commerce of other lands. This was continued down through the sixteenth and seventeenth centuries, and we have no record of systematic opposition to foreign commerce so long as the nations from which it came were comparatively weak. Two centuries ago the continent of America was a wilderness, and Europe was composed of small, despotic, and far from prosperous States; but in proportion as these, which form the world external to China, grew great and prosperous, in proportion as their military power and commercial enterprise increased, just in this same ratio did China close her seaboard to foreign access. It was not for nothing that the Chinese rulers foresaw that the rapid strides of Caucasian civilization would render them dangerous in the same degree that they were permitted to obtain a foothold on Chinese soil.

Nor was it alone the material advancement of the western nations that bore out this policy and justified this principle of national action. The spread of liberty which has successively



changed and modified every government of Europe, saving those of Russia and Turkey, would have been inimical to the permanence of the Chinese political hierarchy ; and it is not without interest and instruction that we learn that it was a knowledge of the French revolution that, in the latter part of the last century, caused the authorities of China to restrict the privileges of foreign traffic, to attempt to exclude foreigners from Canton, and to commit other works of *quasi* hostility which were destined ultimately to end in war.

Nor is the statesmanship of the Chinese displayed in a less degree in their home policy. Every Chinese male is registered, and he can depart to no corner of the earth but his place and locality are known, and the idea of fealty to his native land kept before him as a governing principle. He belongs to his country during life, and his country indicates his burial place when life has departed. The system of espionage extends even to business relations, and its thoroughness and accuracy are sometimes surprisingly displayed. When, in 1839, the opium was delivered up by the British at the Bogue forts, the Chinese commissioner, Lin, was aware, before any account had been rendered, of the exact number of chests of the drug on board the several vessels in the harbor. The paternal character of the government, as well as the rugged statesmanship of the Chinese, is further illustrated by the fact that this opium, upwards of twenty thousand chests, and having an actual value of six millions of dollars, was totally destroyed. The ferocity with which their laws are executed, to which allusion has already been made, is also further illustrated by the fact that a miserable creature who attempted to carry off some small pieces from the general destruction, was, on detection, immediately put to death.

Such is the Chinese nationality ; such are its people ; and such its rulers. It only remains for the completion of our analysis of this people, to consider their purely physical condition, as we have already considered their industrial, political and moral nature.

The Chinese are children of the temperate zone, and have developed under the influence of a climate sufficiently cold

and variable to insure considerable strength together with great endurance and elasticity to the physical frame, and yet warm enough to yield in abundance the staple food of more tropical lands. Rice, in the larger part of the kingdom, has been from time immemorial the principle sustenance of the people; and the fact that they have not deteriorated to a greater extent under the influence of a crowded population and, with many classes, of a comparative insufficiency of food, is doubtless because this grain contains a larger proportion of phosphates than any other, and thus renders possible the full development of brain and bone even when ordinary nutrition is diminished. Physiologically considered, the organization of the Chinese is coarse, as is indicated, for example, by the hair ordinarily so thick and strong that they, by comparison, liken that of Europeans to soft and downy fur. This coarseness of physical fibre has, however, for them, one great advantage, for, as is the case with animals, they recover from all kinds of accidents, wounds and bruises with much greater rapidity and, as one writer has stated, "with fewer symptoms of any kind of danger," than is the case with Caucasians. As concerns ability for labor, they may be considered as possessed of great endurance rather than of great bodily strength. It was calculated that, of those employed in the construction of the Pacific Railway, it required five Chinese laborers to do the work of four of those of our own country; and I was informed in Nevada that while they were admirably fitted for lighter work, they were unable to perform the heavy labor in the mines. Yet the number of occupations in which their strength is inadequate to the greatest performance possible with laboring men is comparatively small. It should be kept in mind that, both in civil and military pursuits, the value of physical strength, pure and simple, has been constantly diminishing for more than two hundred years. What gunpowder and improvements in fire-arms have done to degrade the value of physical prowess in war, improvements in implements and machinery have done to debase the value of physical strength in arts and industries.

The Chinese marry young, for the reason that the male

children become at an early age a source of profit to their parents, and the marriages are usually prolific. Such being the reason—instead of early maturity, as in tropical or semi-tropical climates—there is not that premature old age among them which one would otherwise expect; for although the proportion who reach seventy years is less than in Europe or America, probably the number that are capable of severe labor at the age of sixty is equal to that of any other country. In the eastern provinces especially, the largest and most populous of the Empire, containing nearly two hundred millions of inhabitants, the people are hale and hearty, and have well been characterized by a close observer as “a great and healthy mass of human beings, athletic and industrious, and capable of the most enormous and unwearied industry.” That life in China has reached a certain balance, an equilibrium between the influences which sustain and those which destroy, is manifest when we consider that by far the larger portion of this immense population live in the depths of indigence, and under conditions of life that, if endured by the people of other civilized countries, would quickly reduce them to mental and physical inanition.

Some of the causes of this we have already considered, but there is still another not less important. Owing to the low ebb of medical knowledge among the Chinese and the hardships incident to the lives of the masses, the weaker among the children die early, and only the stronger survive to perpetuate the race. This, continued through a hundred and fifty generations, has produced the physical type of the people; a type in which a maximum of mental activity and muscular endurance is derived from a minimum of comfort and nutrition. The fact that the extent of the Chinese population has only been limited by the means of subsistence, has produced those conditions of life and society which provide to the Chinese the strongest motives for leaving their own country, when the barriers of emigration are thrown down, and at the same time render them most dangerous competitors, wherever they may find their way. In their own country their condition is manifested by the crowding of their dwellings; by low rates of wages; by a small scale of business when they rise above the status of mere laborers; and

by the narrowest profits on every ordinary business transaction. These habits, acquired by necessity and use, are carried with them wherever they go, and as a result they are able to undermine laborers who, from physical constitution and training, are unable to live upon the same minute proportion of the comforts or necessities of life.

The houses of China vary in construction in different portions of the country. In some parts they are of brick; in others, built of mud laid up the same as concrete walls are sometimes made with us; in others the sides are composed mainly of matting coated with mud, while in one large district the habitations are dug in the earth and form a system of caves or subterranean dwellings. Even in the large cities a family of ten persons can live for about four hundred dollars a year including clothing and food, and with the unusual accommodation of a whole dwelling to themselves. The expense of living to a laborer is stated at from two to two and a-half dollars a month, which includes food, clothes and rent. Away from the cities the expense is reduced fifty per cent. In some cases from fifty to sixty people inhabit a single dwelling, which reduces the expense to each still further. The Chinese emigrants at Batavia, the Dutch capital of Java, showed in each house ten men fit to bear arms.

Under such conditions comfort, health and morals must be reduced to the lowest degree. This is illustrated by the fact that in the north of China the beds are made larger or smaller in proportion to the family, are constructed of brick, and are warmed by small stoves. The usual size of Chinese houses, except among the limited wealthy classes, is thirty feet long, ten wide, and eight high, with streets from ten to twenty feet broad running parallel between the buildings, and crossed by narrow and dirty lanes; and, according to observant travellers, "neither table, chair, or other article of furniture can be seen in the dwellings of the poor."

The rate of wages may be inferred from the average condition of the people. The wages of mechanics and skilful workmen seldom exceed twenty-five cents a day, while those engaged by the month or for longer periods receive still less.

A common laborer ordinarily obtains about fourpence, English, which may be freely translated as eight cents *per diem*. It is this class that constitute the great bulk of emigrants, and who, from their ability to learn readily all ordinary occupations, profit the most when transplanted to some region where labor is in demand. The actual cost of living to a laborer, his wife, and three children is reliably stated at three dollars per month in Canton; while single or elderly persons have been maintained at a cost of one dollar per month.

The small scale to which business is subdivided is shown by the copper coins which form the usual medium of exchange and which form the smallest currency in the world; silver being used only for the larger transactions. An undertaking requiring one hundred dollars of capital is frequently divided among numerous share-holders. It follows that, money having relatively so great a value, the slightest profit is acceptable, and hence in all ordinary transactions bargains are made upon a margin that would be deemed impossible in other countries. As one writer has said, "the Chinese will refuse no money in selling if they can be ever so little gainers." Of course, where business is conducted upon so narrow a margin, slight depressions in the general prosperity of any district produce extreme suffering, such as, for instance, has often resulted from famines. Three years ago, in the provinces of Shantung and Chih-li, a drought destroyed the crops, and as soon as the reserve of food was consumed the people resorted to chaff, the bark of trees, turnip leaves, etc., and were finally reduced to devour the half-decayed sorghum stalks of which the roofs of their rude buildings were composed. It was this famine which was so great that in one place a shop was opened for the sale of human flesh, and many thousands of children were sold into slavery in order that their parents might sustain life upon the proceeds. Aid was given from the other provinces, and it was stated, apparently with truth, that but for such assistance not one-half of the population would have survived until the ripening of another harvest.

Even under ordinary conditions the destitution is very

great, and beggars are brought to almost unimaginable depths. In some cases systematic relief is afforded; but the kind and character of this assistance only further shows the necessities of the people. In Peking there was long since established a phalanstery, which in Chinese was termed "the House of Hen's Feathers." This was a large building upon the floor of which was a thick layer of feathers, over which was spread one immense coverlet, provided with innumerable holes, each large enough for a human head to pass through. The lodgers—men, women and children—buried themselves indiscriminately in this mass of feathers, each thrusting his head through one of the holes, and each paying the value of a tenth of a cent for a night in this dormitory. In the morning the noise of a *tam-tam* afforded the signal for lifting the coverlet by a pulley suspended from the ceiling, and for starting the mendicants each upon his way.

Such are the conditions of life with the working multitudes of China, a population of five hundred millions confined within a territory of twelve hundred and eighty thousand square miles, or four hundred and sixteen to the square mile. The northern, western, and southern boundaries of this region are formed by the dependencies of the central State. Each of these tributary countries has a less capacity than China proper for sustaining a numerous population, and all have already reached the maximum they are able to support. The only outlet, therefore, for the population of China is to the westward, to Australasia, and to the distant coasts of America. Toward these, when existing obstructions to Chinese emigration are removed, the population of China must as naturally flow as the waters of pent up rivers flow to adjacent lowlands when the levees are broken down. Thus the prospect of the near future (for fifty or a hundred years are but a brief space in the life of nations) is that the outflow of this great people with its ingrained characteristics and its hoary institutions will sweep down upon the slightly settled western portion of this continent, especially upon that richest part of the Pacific slope where the presence of the Asiatics has already produced mischief and discontent.



Peculiarly pertinent to this phase of the question is the fact that the Chinese have never retraced their way from any region where they have once established themselves. The dragon flag has never been more than temporarily lowered from any country where it has once been planted. Time has been within the past few hundred years when China possessed nothing but her own area, the Central Kingdom. Today she has obtained, either by peaceful acquisition or by conquest, the control of the countries of Mongolia, of Manchuria, of Eastern Turkestan, and of Thibet; while her population is swarming into Siam, and some portions of India, and the complete control of Formosa is but a question of time. More than this, in the Philippine Islands, the first foreign land to feel the noxious effects of Chinese immigration, neither statecraft nor slaughter has been sufficient to uproot the peaceful invaders. Nearly three hundred years ago, at a period when the Spanish residents of the Philippines were only about eight hundred, the Chinese numbered nearly twenty thousand. A well-founded fear on the part of the handful of Europeans led to a contest in which the Spaniards, provided with fire-arms, succeeded in slaughtering nearly the whole number of the badly armed celestials. Yet within thirty years thereafter, the Chinese population had increased through new immigrations to thirty-three thousand. These were in time detected in fomenting rebellion, and the work of the previous generation was repeated. Fully two-thirds of the Chinese were destroyed. After this, legislation limited the Chinese in the islands to six thousand; and in 1710 they were all expelled, and trade with China was prohibited. But with all this, it has been impossible to keep them away, there being at the present time about ninety thousand Chinese in Manila.

The meaning of this incident in the history of Chinese emigration, is emphasized by the admitted fact that the outflow has occurred in defiance of the authorities of China, and not by their favor. With a wise forecast, the policy of the Government, since the rise of the western powers, has been to keep the Empire intact, and to prevent, so far as possible, the involution of its people with those of other countries. As we shall



see further on, this policy, sound and considerate in itself, has been broken down only by the persistent efforts of the foreign powers, to whom our own country has acted as deputy-assistant in no very dignified manner or degree. The enforcement of Chinese law has been sufficient to restrain the inhabitants of the interior from seeking a foreign outlet, but this has been ineffectual as concerns the outer provinces. The Chinese population on our Pacific coast is about one hundred and fifty thousand, yet all of these have been derived from an area of but fifteen thousand square miles, embraced within the Province of Quang-tung, this area having a population of about five millions. An emigration, in the same ratio of population, from the entire Central Kingdom, would launch upon the Pacific coast a population of ten millions, which would reduce the Caucasian community to the proportion of six per cent. of the total. But so great and so dense is the population of China, that the loss of ten millions of her inhabitants would make no perceptible change in her resources, or in her industrial, social or political condition. These emigrants are from the agricultural and laboring classes, not more than two per cent., according to official data, being of the literary class; but all, owing to the peculiar educational institutions of their country, more or less disciplined by study and instruction. The reports from which these statements are taken, show that "their average wages at home may be reckoned at less than three dollars a month."

It is to the conservative policy of the Chinese Government, and to this alone, that the western coast of America thus far owes even its comparative immunity from the overwhelming influence of Asiatic immigration. I use the term "comparative immunity" advisedly. If China encouraged the outflow of her people to the same extent that she has discouraged it, the Chinese question would have been already settled beyond recall. Reverence for the wisdom of their ancestors in binding each citizen to his native land by indissoluble ties, has until lately led China to maintain a policy, the results of which have been even more favorable to our safety than conducive to her own.

But before proceeding to a consideration of Chinese immigration, as it affects and is likely to affect the interests of our own country, it may throw some light upon our relations with China if we consider how those relations began, and how they have been evolved to their present degree of intricacy and importance. We shall find that our course has been tributary to European interests, detrimental to our own, and counter, in many instances, to the plain dictates of international justice.

The inception of the Chinese question of today lay in the action of Great Britain in forcing the opium trade upon China fifty years ago. For without this there would have been no material breaking down of the twin principles of Chinese policy—the exclusion of foreigners, and the retention of her people within her own borders. British aggression was based upon the necessity of finding a market for the opium grown in India, and this market could only be obtained in China. The Chinese, possessed of little conception of any other than sensuous enjoyment, had long found in opium a source of pleasure at little pecuniary cost, although at fearful expense of health. But so severe were the repressive measures of the Government that the habit was held in check to an extent never elsewhere accomplished with any form of dissipation. The importation of the drug was strictly forbidden under penalty of death. Through the vigilance of the officials the quantity introduced by smuggling was extremely limited, and the cultivation of the poppy for opium-producing purposes was restricted to one or two small localities. Opium, however, was the one great staple produced for export in the Indian possessions of Great Britain, and the financial condition of those dependencies rendered the sale of this article abroad a matter of vital import. Without a market for opium, and the prosperity of trade resulting therefrom, British power in India would have been shaken to its foundations. This market was opened by the sword, and a peaceful nation, striving to shield its people from one of the greatest scourges that ever afflicted humanity, was assailed by armed squadrons; its fortified cities stormed; its people slaughtered, and its Government brought, against its will, into direct relations with other countries, and

compelled to witness the debasement of millions of its people by the use of a drug that destroys physical and mental health, which renders manhood miserable, and old age degraded. The import of opium into China amounts to upwards of seventy millions of dollars annually, so that seventy-five per cent. of all the exports of tea and silk are paid for by the infernal drug; and the quantity consumed, including the native growth, is more than twenty-one million pounds, or ten thousand five hundred tons. The extent to which the consumption of this drug has debased the energies of the people and induced profligacy and poverty, cannot be measured. Nor does the mischief end with this, for, the industrial capacity of the people being diminished, the taxes are lessened, the difficulty of collecting them enhanced and the administration of the government retarded.

The motive which induced Great Britain to force the opium trade upon China, still exists; for the Indian Government derives at this present time each year a profit of eight million pounds sterling, or forty millions of dollars, from its opium monopoly, and without this the British power from Cape Comorin to Lahore would in twenty years vanish into air. It is not without interest, in this connection, that we trace the cry of protection to American commerce in the Chinese seas in part to the participation of Americans in this iniquitous traffic.

It was certified by the United States Legation at Canton in 1858, that "the most active opium business in any single ship was carried on in a steamer built in New York, and floating the American flag." At that time, upwards of one-quarter of the opium was carried in American vessels. Had there been no opium war between Great Britain and China and no attempt on the part of our people to share in the advantages of the trade, there would have been no Chinese question on the Pacific coast of the United States; for in the political as in the organic world foul seeds spread rapidly their noisome growths to distant places, and bear their rank and bitter fruit under circumstances the least foreseen. With the success of the English in securing trade with China, came the

desire of other countries to profit by traffic with this remotest East. The French soon joined with the British. The Dutch, who under severe restriction had long traded with China, were quick to assert their claims. Then came Germans and Americans, and all together united to force upon China a policy repugnant to her national ideas, and contrary to her traditional usages in commerce and industries. In all these aggressions the interests of the United States were of the slightest account, and the profits from her ill-advised interference have been less than the price of the birthright of Esau; for in return for our little gains we have had cast upon us one of the weightiest problems known to historic times. We can only appreciate the relations with China of the United States, and of the western powers, by an analysis of their demands urged by diplomacy, and enforced by cannon-shot.

In doing this, we should remember that China was a nationality independent and established; one that dated from the remotest ages; one possessed of a distinctive civilization; and one which had for its leading political idea non-interference in the affairs of the nations whose people came from the distant seas. Her institutions were the outgrowth of four thousand years of slow but permanent progress; her social customs had been handed down from generation to generation for forty centuries. These usages and customs were hallowed by antiquity and were the object of idolatrous reverence on the part of the entire people. Yet for their own benefit, and not for hers, the distant nations have temporarily succeeded in subjecting this great country to indignities that they would not have dared to propose to each other, and to which not one of them would have submitted for an hour.

The opium trade began with an armed vessel sent out by the Government at Bengal. It was continued by private armed cruisers, fitted out to resist the Chinese government vessels in their efforts to prevent the introduction of the drug, and which acted as receiving-ships at convenient places along the coast. This continued until the war with Great Britain resulted in opening the ports of Shanghai and Canton to the sale of the article. Thus, by force of arms, China was compelled to permit

a traffic which in the course of twenty-five years reduced the normal increase of her population from three per cent. annually to one per cent. But this was but the entering wedge to foreign demands.

The next step in aggression was the doctrine of extraterritoriality, which exempts foreigners from the operation of Chinese laws, and which has been, and still is, insisted upon and enforced by all the foreign powers. Less than ten years ago, our representative at Peking formally reasserted "the intention of the Government of the United States to claim for all its citizens entire exemption from the operation of Chinese law," and this is the policy of the United States today. No Chinese can arraign any foreigner in a Chinese court, for any offence or any crime. It is not known that any foreigner has ever yet been executed for the murder of a Chinaman, except, possibly, at Hong Kong and Macao. It is part of the system of the members of the diplomatic corps in China to make common cause with each other, in order that what is demanded by one may, if obtained, be shared by the others; and the "favored nation" clause forms part and parcel of every treaty between China and other countries. Among the demands made by France is that of "the right to place salaried consuls at any point, either on the coast or in the interior, and that any place where such a consul resides shall be open to foreign trade." The same power also demands that the revenue derived from the tonnage dues of the Chinese ports shall be handed over to a "mixed commission, composed entirely of foreigners, to be expended in such a manner as may seem proper;" the avowed idea being that the amount should be devoted to the improvements of the harbors for the accommodation of foreign vessels. In other words, it is asked that China shall not only surrender a portion of her legal revenues, but shall virtually hand over the administration of her seaports to foreign powers. Our own country claims that citizens of the United States, importing merchandise into China, "should have the privilege of transshipping such merchandise in their own vessels, or of those belonging to the subjects of China, to any point on the Yangtse River and its tributaries,

without limitation or restraint," which amounts to a claim that the Chinese government shall give up the control of its inland commerce. This demand, made many years ago, has been persisted in by our present representative in China, with the more explicit demand that foreign goods in native hands shall not pay the *lekin* or internal customs duty which is levied on the transit of goods from one part of the Empire to another. This is, in substance, simply the assertion of a right to prevent the Chinese government from collecting its usual taxes from its own people.

In view of these demands it is not strange to find it officially stated that the foreign residents of China regard force "as the only sure and speedy agent for opening up China;" that the merchants "look upon the use of force as necessary to open up new resources and avenues of industry;" and that the missionaries favor it, because it will render their task "less difficult," and also for the reason "that the use of arms to compel submission, is only adding an auxiliary force to reason, to accomplish the great work of the Master."

When we find merchant and missionary using the arguments of the buccaneer in matters of general import, we are justified in further examination of the equities of specific claims. The character of many of the demands for damages made against the Chinese government needs no further illustration than the fact that the indemnity paid by the Chinese, a few years ago, was so largely in excess of the amount actually due that a large surplus still lies in the United States Treasury; and by the further fact that many of these claims grew out of the damage inflicted by the British bombardment of Canton in 1856, or were necessarily involved in the defensive operations of the Chinese. A claim for indemnity for these losses was simply an assertion that the Chinese government should afford to the property of foreigners a protection not given to its own citizens. It is further to be remembered that our own Government was in virtual sympathy with the British assault, and only two years later, one of our naval officers, although we were at peace with China, joined the British in their attack on the fortifications at the mouth of the Peiho. In like manner, nine

years ago, when we were under treaty obligations to maintain peace with China, an American fleet composed of two ships of war and four armed steam-launches was sent by the commander on the China station to prepare a chart of the channel between the main-land and the island of Hanghoi; which was very much the same as if a foreign power, against our protest, should send an armed squadron to take soundings in the East River. As was expected, and prepared for, the Chinese opposed the invasion, and as a result had their batteries silenced by American guns. This, a few days later, was followed up on our part by an attack in which five forts were completely destroyed and two hundred and fifty of the Chinese were slaughtered. How much danger was experienced by our forces in this exploit, may be inferred from our loss of three killed and ten wounded. It was, however, sufficient to cause our envoy to explain to our Government that the "gallantry and heroism" of our marines were "conspicuous," and reflected "honor and renown" upon our "navy and Government." The same spirit, that of the presumably strong against the presumably weak, has been displayed in nearly all the relations of the foreign powers with the people of China.

We have already seen how venerable and how nearly approaching the nature of a religion is the reverence of the Chinese for their social customs. Yet the disregard by foreigners of all that the Chinese hold sacred is deliberately made a constant source of irritation. In the words of one of our own officials, "among the Chinese the unsullied reputation and modest demeanor of females is very highly esteemed; and the rules for separating the sexes are very strict, both in regard to their personal intercourse, and the seclusion of their apartments." Yet the Chinese female converts are led to disregard this public opinion and, by open defiance of the usages common among the respectable classes of their own people, give offence to their relatives and neighbors. In some cases the marriage contract has been interfered with by the foreigners; and it was to such a cause that the death of one of the missionaries in 1869 was due. It is to be noted in this connection that while the assassins of the missionary



were executed, one of them beheaded and the other strangled, certain converts who engaged in offensive operations against the Chinese Government have never been punished; and that in another instance a native convert who headed a mob that killed two hundred natives was, through the influence of the missionaries, enabled to escape beyond sea, and was never traced. Many of the assaults on foreigners which have awakened indignation in Europe and in this country, were kindled originally by the deliberate violation of Chinese law, or of usages which have the force of law. It has been no uncommon thing for the foreign missionaries to assume governmental pretensions, and thus strike directly at the home authority of the local officials. The assassination of the Governor of Macao in 1849 was the result of cutting roads through the graves of the Chinese buried outside of the city, and the riot in the French Concession in 1875 arose from the same cause. When we recall the veneration of the Chinese for their ancestors, it is not surprising that public feeling took the form of violent resistance to the desecration of the graves. It is not difficult to imagine that something similar might have occurred even in an American city, had an identical cause existed.

Everywhere in China the foreigner has sought to enforce his will by the exercise of arbitrary power; the guns of war vessels and the sabres of marines are his only arguments. And inasmuch as the Chinese, though physically brave, are badly armed and worse disciplined, it was only to be expected that all the resources of Asiatic diplomacy would be brought to bear with all of native craft in defence of native rights. Nor shall we fail to find that, after all, the subtlety and farsightedness of the Asiatic have more than equalled the force of the invaders. The claim that foreigners should trade without let or hindrance in any part of the Empire, and that the payment of internal taxes should be remitted in their favor, has been successfully evaded or resisted until Great Britain, who controls seven-eighths of the trade with China, has virtually ceased to insist upon it. It is not likely that any other country will hereafter seriously attempt to enforce it.

The indirect efforts to secure the purposed dominance of foreign influence in the interior of China by the introduction of railroads, telegraphs, and steam navigation have been brought to the same dismal end.

Meanwhile Chinese merchants, entering the paths of competition which were opened to them perforce, have in a great measure crowded European traders from numerous ports more or less remote from Chinese coasts. This is true of the trade with Saigon, in Cochin China, with Bangkok in Siam; with Singapore in India; with Batavia in Java; and with Manilla in the Philippine Islands. Sometime since the British India Steam Navigation Company had a strong line of vessels on the route between Calcutta and Singapore, touching at intermediate points. A Chinese company started a line between Rangoon and Singapore, and in a short time the British line, except for a government subsidy, would have been compelled to stop,—the carrying business, at latest accounts, being reduced to the lowest ebb.

Six years ago a foreign company without a concession from the Chinese authorities laid a short railway to connect Shanghai with the river entrance to the harbor. It was conceded that the foreigners who undertook the enterprise had no right to do so; and the American minister expressed the opinion that "the body of ministers at Peking ought in advance to hold language regarding the project of a sort calculated to keep matters in their present satisfactory condition;" which being interpreted means that certain foreigners having stolen a right of way for a purpose not recognized by the Government, the latter was to be bullied by foreign pressure into compliance. An American citizen was placed in charge of the grading, and the American representative declared that he was ready to defend the right of the projectors to build the railway. The only stirring incident in the construction of the road, however, was a fight between the American citizen aforesaid and an old woman whose land was endangered by his refusal to place a culvert where the grading crossed a ditch. Although the projectors had no right to construct the railway, it was purchased by the Chinese

government at a fair price which was determined by arbitration. It is a matter of recent newspaper comment that the rails have been taken up, and exported to this country as old iron.

The history of the attempted telegraph line is substantially identical with that of the railroad. In October, 1875, a Danish company, without any legal authority, began the construction of a telegraph line from Foo-Choo, the centre of the tea industry, to the port of Amoy, and continued the construction, although the officials had positively refused to sign a contract. In this, as with the railroad, the American representative was not slow to intimate that the diplomatic body should insist upon the permanent enjoyment of the rights appropriated without the shadow of law. Twenty miles of the line were destroyed by local officials, whereupon a claim for indemnity was set up by the Company. As the latter had a *quasi* agreement with a body known as "the Board of Foreign Trade" of the Province, the matter was finally settled by the Chinese Government purchasing the whole concern for the sum of one hundred and twenty-four thousand five hundred Mexican dollars, which ended the controversy, and with it the telegraph line.

During fifteen years, the American Steam Navigation Company owned a fleet of twenty steam-ships, two or three of which were of American, and the others of English build, and which traded between Shanghai and the Yangtse ports and Tientzing. In 1875, a Chinese corporation, the Chinese Merchandise Company, had vessels on the same water routes. In that year the Chinese government agreed with the native Company for certain freights at rates more than twice as high as those obtainable by either company in the open market, and which of course amounted simply to a subsidy to the Chinese Company. In less than two years the American enterprise was bought out by the Chinese, and American competition with native shipping was ended on the rivers of China. The philanthropic idea of supplying China with a currency by the coinage of the trade dollar illustrates our ignorance of Chinese methods and Chinese wants. In the north of China, not five

hundred of the new coins were found two years after their introduction; while in the south they utterly failed to replace the Mexican dollar, which is a favorite form of silver.

So much for our diplomacy with China in matters of comparatively minor importance; for those referred to are dwarfed by comparison with the Burlingame Treaty, in which the far-reaching Chinamen found in an American politician a convenient implement with which to manipulate the policy of an aggressive but short-sighted nation. That treaty conferred on each of the parties thereto all the rights granted by the other to the most favored nation. The United States has granted to the most favored nations the right, on the part of their citizens, of passing without restraint to all portions of our country, of transacting business to the same extent and in the same manner as our own citizens, and of freely exercising their religion without let or hindrance. China has granted to her favored nations the right of their citizens to travel to and reside in certain open ports, and nowhere else. To quote the language of our consul at Ningpo, "it is a settled question so far as the Government of the United States is concerned, that missionaries have no right to reside elsewhere than at the open ports," and that such right does not extend to other citizens. This interpretation of the treaty has been concurred in by our State Department, and also by the British government whose instructions to her envoy have been of the same tenor.

Such are the results abroad of our interference in Chinese affairs, and of our diplomatic relations with China. But it is only when we consider their outcome on our own soil that we can fully recognize their utter folly, the mischief already wrought by our colossal blunders and the further mischief that bids fair to come.

When British cannon first opened Chinese ports, California was known to us mainly as a land fruitful in products and winsome in climate: a broad territory, coveted by Great Britain and by our own country, and held with an unsteady hand by Mexico. Ten years later it belonged to the United States, and its gold mines made it the El Dorado of the restless

of all nations. With the others came the Chinese. As individuals they came and returned to their own country, a constant ebb and flow. As a people they came to stay. Their number has constantly increased in spite of all obstacles, until in commerce and industries their influence is dominant through all the Pacific coast, and their advance scouts have extended to the Atlantic seaboard. It is in California, however, that the problems springing from their presence have most forcibly arisen, and it is from California that facts conclusive in the solution of these problems must be derived.

California has a population, Chinese included, of about seven hundred and fifty thousand, or somewhat less than four individuals to the square mile. The land, at the date of its annexation, was held in large grants, some from the Mexican, others primarily from the Spanish Government, and all, so far as they were *bonâ fide*, protected by the treaty of Guadalupe Hidalgo. Although these lands have in a measure passed to new owners, they have seldom been divided into smaller holdings, and are now possessed by a comparatively small percentage of the entire population of the State. The influx of Chinese labor almost simultaneous with the new settlement of the country, provided a means by which these lands could be worked at little cost, and obviated the necessity, which otherwise would have existed, of dividing the immense ranches into farms. Chinese immigration, therefore, buttressed the almost feudal control of the land. In their turn the great land-owners lent the power of their wealth, their political influence, and their business talent in favor of the system of cheap labor by which their own power was maintained. From this it has followed that the social economy of California agriculture has throughout been different from that of any other country professedly governed by republican institutions or assuming to be controlled by republican traditions.

The great crops which form the staple productions of the soil are such as require no tillage between seed-time and harvest, which thus become the only active seasons of the year. East of the Sierras the conditions of farming are such that there is opportunity for continuous labor from early Spring to

later Autumn, and even in some degree throughout the Winter months; and the farm laborer has opportunity for constant occupation. Forming, as he does, a part of a homogeneous community he has, if a man of family, a fixed abode, however rude, and has within his reach many at least of the ordinary comforts of life. If single, he commonly resides in the family of his employer. Under such circumstances the existence of the farm hand is rendered tolerable, neither undignified nor unworthy; and there is nothing in his condition which need impair his self-respect or deny to his industry or skill their legitimate reward of pecuniary or social success. But nothing of this exists in California farming. The laborer is hired during a few weeks of the heavy Spring work and of the harvest. He receives his wages and his rations, and is expected to lodge himself. Wrapped in his blanket, he sleeps in an outhouse or on the threshed straw under the rainless sky. When the season of driving work is over he goes away, whither no one knows and no one cares. Thus periods of long idleness intervene between seasons of severe labor. Such a system is possible only in a country composed of estates of immense proportions, tilled by labor of the cheapest and most servile kind.

The discovery of gold, the reported fertility of the soil, and the beauty of the climate led at the outset to a large immigration from the Eastern States; to the organization of a commonwealth based on their political traditions and social usages. These traditions and usages were and still are directly counter to those which, in all ages, have resulted from the control of the land by the few, and to those represented by the cheap labor of the Chinese. The civilization represented by the masses of the white settlers on the Pacific coast had, as an inherent necessity, a remuneration of labor adequate to the comfortable maintenance of families, their education, their refinement in manners, mind and morals; which can only obtain where the physical being is sustained by sufficient nutrition, and the intellect and emotional nature suffered to expand by a fair degree of leisure. The civilization represented by the large land-owners was that springing from the use of labor secured at the lowest possible remuneration, re-

gardless of its effects on the laboring classes. This labor was found in the Chinese immigrants who, without families, and used in their own country to the smallest wages, could be obtained in unlimited number at rates lower than those necessary for the bare sustenance of white workingmen. The conflict between these two forms of civilization began early. It has extended to every branch of industry, and the results thus far have been detrimental in the extreme to that which we are accustomed to consider as the highest form of Caucasian society. The Chinese have invaded every department of industry, and Chinese executive ability has marshalled that labor into the most effective opposition to the industrial classes of the whites. Everywhere, except among the wealthy, the white man has gone to the wall in the competition with the Asiatic.

This is most conveniently illustrated by reference to the various branches of industry on the Pacific coast; for the manufacturing interests that, with a normal development of society, would have been built up by white labor, have virtually passed into the hands of the Chinese. The result is, not only that laboring men as such are thrown out of employment, or reduced to wages insufficient for comfortable maintenance, but all those occupations which, even in the most crowded Caucasian communities, afford a frugal sustenance to women and children, are monopolized by the Chinese. For example, in some portions of the Eastern States, as also in England, the season of picking hops is one as festive in character as the vintage of France or Italy, because it affords unusually high wages during three or four weeks to women and children whose labor at other seasons has little money value. Wherever, east of the Rocky Mountains, hops are grown, the hop-picking season is looked forward to by thousands of young girls and by needy families as offering a means of ready money, the use of which is often extended throughout the remainder of the year. In California the hop-picking is done by Chinese to the exclusion of all others. So also, in many portions of the Eastern States, the season of berry-picking affords an opportunity for the earning of money, which to the poor softens the hardships of other and more scanty seasons. In California, berry-picking,



which at one time was availed of by women and children, has been entirely absorbed by Chinese. The weaving, which formerly was done almost entirely by women, is now done by Chinese. In the making of underclothing, Chinese do the work which in this country and Europe is performed by seamstresses. The laundry-work, the dress-making and the millinery-work have been passed to the Chinese. The manufacture of shoes for women and children is entirely in their hands. The gathering of fruit, the digging of potatoes, the care of gardens is for the most part done by them. The handling of the immense crops of the coast calls for the use of many tens of thousands of grain-bags, which are all sewed by Chinese. In the large dairies, some of them having from a thousand to thirteen hundred cows, the milking and other dairy work is performed by Chinese. The seating of cane chairs, which forms the last resource for poor women in eastern cities, is in California given over to Chinamen.

When white labor is thus crowded away from the minor and poorer industries, it follows as a matter of course that other and more remunerative occupations are filled in the same way. The Chinese are employed in the woollen mills; in the tanneries; in fisheries; in the canning of fruits, etc.; in the varnishing of furniture and the like; in the building of embankments for the redemption of overflowed lands; in railway work, the making of road-cuttings, and the digging of tunnels. There is scarcely a manufacture in which they do not constitute the whole or the great majority of the operatives. In one establishment in San Francisco (the Mission Woollen Mills), five hundred and fifty Chinese have been employed at one time. In a neighboring spring-mattress factory, not a single white man found work, and, near by, the only oakum factory in the city was also Chinese throughout. In placer-mining there were four thousand in one neighborhood, near Oroville; and in many localities they have entirely exhausted mines which, although incapable of profit with the wasteful methods in vogue twenty years ago, would have proved by this time sources of revenue to the whites. There are in San Francisco fifteen thousand boys and girls, between the ages of fourteen and

twenty, who, in eastern communities, would find active employment; but they cannot compete with the Chinese, and are for the most part idle.

The Chinaman, it is claimed, and apparently with truth, will learn any given mechanical operation in one-third of the time required by a white workman. He has no family; he lives in the most frugal manner; he lodges upon a wooden bench; he has been used at home to wages that would hardly more than sustain life. His sole ambition is to accumulate from two hundred to four hundred dollars, which is to him a fortune, and which enables him to return as a rich man to his own country. He is obedient and servile. By means of all this he is enabled to live as no white man could live, even if the white man were not burdened with the support of wife and children. The result has been to prevent the immigration of a strong and healthy laboring class of kindred and easily affiliated race from the Eastern States and from Europe. Thus there has been almost wholly wanting in California, the element that contributed so largely to build up the prosperity of the whole country east of the Rocky Mountains.

The evil of this has been twofold. Not only has the sum total of a large Caucasian immigration been lost, but there has been none of the natural and legitimate increase of population that would have resulted therefrom. In the Eastern States the Swedish, Irish, or German maiden finds ready employment in domestic service; in course of time she marries and children are born, and families surrounded by the safeguards of Christian communities grow up to careers of usefulness and often of honor. In the second or third generation the descendants of the European immigrant are so completely merged with our people that no difference is perceptible. In California anything of the kind is impossible. To a certain extent it existed before Chinese cheap labor had become so overpowering as it now is; but it has diminished in the same ratio that the latter grew to be the dominant feature of the Californian industrial system. California has thus been shut off from the legitimate elements of growth which would have made her, in all the essentials of material and moral prosperity,

tenfold stronger than she is today. Chinese labor has operated not only to prevent, but to destroy the normal development of the State, and to throw upon the people unwonted burdens. In every community there are many who, through adversity, are thrown suddenly upon their own resources—children, and tender women who must seek a sustenance in humble employments. Where access to these is closed, as it is by Chinese labor, the alternative is fearful and plain. The woman who, in California, without friends or money seeks to earn a livelihood by any of the occupations commonly open to her class in even the most crowded cities of Europe or of the Eastern States, is met at every turn by Chinese who will work for less than is necessary to support life and health in a person of Caucasian descent and training. There is for her the simple alternative of shame or starvation. The man who is dependent upon his handiwork for daily bread, finds his children dwarfed for need of mere physical nutrition, because his income, beaten down by Chinese competition, is inadequate to their support; and beggary and crime are the natural results.

The same cause has produced another evil of no slight social magnitude. Where young men find the prospect of supporting families to be insecure, they do not marry. From such a condition of society the political economist deduces with certainty that the normal increase of the population will be slow; the student of moral science deduces with equal positiveness that the standard of public and private morals will be debased.

It is an axiom, that where servile labor is brought in contact with that of a higher social character, the latter is brought down to the level of the former. It was an argument used with effect against the institution of negro slavery, that it was not the colored man alone, but the free white laborer also, who bore the stigma associated with manual toil. The same rule of association holds true as between the Chinese and the white workingman in California. In the city of San Francisco, sixty thousand of the Chinese are crowded into six or seven blocks of buildings. A single story measuring twelve

feet from floor to ceiling is sometimes divided by two intermediate floors, making three stories in one, all occupied by Chinese. The streets in that portion of the city are connected from one side to the other by subterranean passages, so that the occupants of the houses pass underground from building to building. Sometimes the upper stories of the structures are built outward over the street until, at some distance from the ground, they approach within two feet of each other. The district embraces among its denizens some four or five thousand Chinese women, of whom not more than one in twenty is other than the vilest of the vile. When the chief laboring class steams and festers in such dens as these, labor itself must stand low in public esteem. And with such associations and such competition, the wonder is, not that the white population is turbulent, but that it is not a hundred times more revolutionary in its ideas and lawless in their expression.

I am aware that it is sometimes claimed that Chinese labor is not servile, but free. In a subject so important, we need hardly tolerate a quibble on words or a balancing of technical phrases. A people is servile when it becomes an inert mass, directed solely by the will of others, and repelled by fear from exercising the ordinary prerogatives of freemen. That this is the case with the Chinese in California, is apparent when we consider, never so briefly, the circumstances under which they are brought into the country, and the tenure by which their stay is determined. The real masters of the Chinese in California are those of their own countrymen who compose the Six Companies, the Sam Yup, Kong Chow, Wing Yung, Hop Wo, Young Wo and Yang Wo. These enforce their authority partly as creditors of the laborers, and partly by combinations with the steam-ship companies. A contractor desiring any given number of Chinese, makes an agreement with one or the other of the companies, which undertakes to furnish the desired number, to be selected in China. A Chinaman wishing to emigrate from his own country to California will, in most cases, borrow money for his expenses, paying interest at from four to eight per cent. a month; and until this money is repaid

he is bound to the company, and goes hither and thither at its beck and call. In addition to the cost of his voyage, he is required to pay seventy-five dollars to the company as its commission. In return for this commission, the company exercises a general supervision and care over each individual, not only finding him employment, but caring for him in sickness and misfortune.

When the company is fully repaid, the immigrant is presumably free, but is not so in fact. Every Chinaman hopes to return sooner or later to his own country, or at least to have his remains laid beside those of his ancestors; but the Six Companies have made arrangements with the steam-ship companies by which no Chinaman, alive or dead, can be transshipped without their consent. More than this, the great majority, being directly indebted to the companies, work for the interests, real or imagined, of their creditors, and a Chinaman fares hard indeed at the hands of his own people, if he is found to be recalcitrant. Whatever name, therefore, may be given to the relation of the Chinese to their employers, they are neither more nor less than servile to the last degree.

Another result that has been observed to flow from this is the constantly increasing arrogance on the part of employers, a fault cultivated and encouraged by the patient and absolute servility of the cheap laborer.

It is no wonder, therefore, that with wages depressed below the point of comfortable living, and with labor debased to the social depths of an Asiatic community, California has not increased in white population, and has materially diminished in that distributive wealth which is the only solid foundation for the material prosperity of a commonwealth. I know that it is claimed that the aggregate wealth of the State has been increased by Chinese labor, but the evidence does not bear out the assertion. On the contrary, it is not difficult to prove that the State is actually poorer today than she would have been had the Chinese never passed the Golden Gate. More than this, it is easy to show that the wealth of the State, even apart from that included in the land, has been principally accumulated in the hands of a few, while the mass of the people has been impoverished. We

may go further, and assert with perfect truth that even the cities of the Atlantic seaboard are poorer by many millions than they would have been had California been dependent upon white labor alone. That State has lost for the past quarter of a century the increase of white population that would have inured to her, had she presented the attraction of high wages to the thrifty mechanics, farmers and laboring men of the Eastern States. And during the same period she has lost the refinements in tillage and the enterprise in commercial undertakings that she would have experienced had her immense ranches been divided into smaller farms, as they would have been had not the Chinese furnished vassals for their wholesale cultivation.

If agriculture has lost from cheap labor, commerce has not gained. It has been asserted that our trade with China has been promoted by the presence of the Chinese. But if we analyze this we shall find it as delusive as the others. Out of perhaps twenty millions of dollars of imports, thirteen millions are in tea and silk which would be imported to the same degree if there were no Chinese on the coast; and the same remark applies to most of the other imports, a very large proportion of which is consumed by the Chinese themselves, as, for example, two million dollars of rice, three hundred thousand of fire-crackers, and one million dollars, more or less, of opium. Of the balance, some three or four millions of dollars, it is difficult to see in what respect it owes its existence to Chinese immigration. It consists of such items as oil of aniseseed, cassia-buds, china-ware, camphor and cassia, all of which find a considerable, if not their greatest market, in the Eastern States, and would be called for regardless of the character of the population on the Pacific coast. On the other hand, our exports amount to between ten and eleven millions, leaving a balance of trade against us of apparently about nine and a-half millions, but which in reality is about seventeen millions. For more than seven-tenths of our so-called exports to China consist of treasure which is listed with the merchandise. This seventeen millions in coin and its equivalent passes to China, and thence, in payment for opium,

to the British, to form part of the fund with which their power is maintained in the East. About one million dollars of our exports consist of quicksilver, and another million of sundries. The export of flour, about which so much has been said, amounts to only thirteen or fourteen thousand barrels per annum; of coal, about fifteen thousand tons; and of lumber, about two million feet, having a value of some fifty thousand dollars. There is not enough in this showing to indicate any great or permanent advantage to this country from the continuance of commerce with China.

But the story is not yet fully told. There are in San Francisco fifteen or twenty Chinese firms through whom the great bulk of this commerce is transacted, and its profit goes not to our own people, but to the Chinese, whose allegiance is to their own country, and whose wealth is part of the wealth of China. The wealth that has been accumulated through Chinese labor has been amassed by the few, and has contributed nothing to the prosperity of the masses. It is not twenty years since the Pacific Railway was built with subsidies from the Federal and the State government, and even of counties along the line. The cost of building the road was based upon estimates of the ruling rates of white labor. Upon these estimates the appropriations and subscriptions were made. When the work was undertaken, instead of employing the workingmen of the country, the projectors, through the Six Companies, obtained ten thousand coolies direct from China, and with these the road was built. But the profits went, not to the community, but to the few bold business men, whose wealth dazzles the eye and inflames the imagination. And this wealth, obtained in this manner, and concentrated in a mere fraction of the population, has been prejudicial to the best interests of the State, for it has been used throughout to perpetuate the abnormal conditions through which it was first obtained.

Furthermore, the results of the cheap labor of California have come in direct competition with the labor of the eastern portion of our country. For the laboring man, who is accustomed to the standard of life in the East, cannot work and keep his strength on the low wages of the Chinese. And whenever



the products of his labor have come in competition with those of Chinese labor, they have been lowered in price, and, as an inevitable result, his wages have been reduced in proportion. Fifteen years ago, California sent forty millions of dollars annually to the Eastern States in payment for manufactured products; today the Californian market is practically closed to eastern manufactured products, because Chinese labor produces them at lower prices than is possible on the Atlantic coast. In proportion as the demand for the results of labor in the East diminishes, just in the same degree must the wages of the laborer in the East be reduced, and unless this tendency is stopped by legislation, both as concerns the East and the West, it must continue with constantly increasing force until white labor is driven to degradation or revolution.

But the tendency referred to has gone even further than I have indicated. We have seen that the hop-yards of California, some of them of forty and fifty acres in extent, are picked by Chinese whose wages are so low as to afford a virtual bounty upon the product as against that of eastern hop-yards. It is known that within the past few months the tobacco of Connecticut has been shipped to California, there made into cigars by Chinese operatives, and then returned to the eastern markets; so that the cigar-makers of New York, Boston and Philadelphia are brought into the same direct competition with Chinese labor as those of the Pacific coast. As concerns many branches of manufacture, this would occur even if Chinese immigration was restrained west of the Rocky Mountains. But, as we all know, the Chinese have penetrated to every large city in the country. They swarm in Brooklyn, and have their own "Chinese quarter" locally known as "Chinatown." In New York City there are, in round numbers, two thousand of them who, like their brethren in California, take the work ordinarily done by women and children. Here as there, they are without families, and here as there they live in the same cheap squalor and comfortable debasement. It is keeping within bounds to say that for each Chinaman who follows the occupation of "washee-washee" in this country, a family of a washer-woman with four children

lose their means of subsistence and sink to deeper depths of poverty.

It may be asked, why, with these facts staring the investigator in the face, so strong a public opinion as we know exists should have been produced or maintained in favor of Chinese immigration. The answer is easily found. California is in a great measure ruled by railroads whose builders made fortunes through Chinese labor. The Pacific Mail Steamship Company has its vessels manned with Chinese sailors, and makes its profits from the transport of Chinese coolies to such a degree that without this traffic it could hardly exist; and, as we have seen, it is in close affiliation with the Chinese companies through whom the immense flood of Asiatic laborers has flowed into the country. The American consular charges in China have been from one to two dollars per head for every Chinaman shipped; and all the official weight of the American representatives at Hong Kong has been thrown in favor of the trade. And every large manufacturer and great land-owner who has found the profits of the ranch or the manufactory enhanced through the reduction of wages to the lowest point, has joined in laudation of cheap labor. To so great an extent has the fabrication of a public opinion in favor of the Chinese been carried, that after the death of Senator Morton, it was widely reported, and almost as widely believed, that he had left in his own handwriting a report in laudation of Chinese labor and advocating its continuance; whereas the truth was that Senator Morton joined with the other members of the committee in declaring that it has "become painfully evident that the Pacific coast must in time become either American or Mongolian,"—and, with reference to the present industrial condition of California arising from Chinese labor, used the following language: "The Chinese have advantages which will put them far in advance in the race for possession. They can subsist where the American would starve. They can work for wages which will not furnish the barest necessities of life to an American." This committee, of which the Senator was one, and in whose report he joined, spoke of the Chinese as making their way "by revolting characteristics and by

dispensing with what would be mere necessities in modern civilization." Yet in spite of this emphatic language the pro-Chinese advocates have succeeded in spreading the current belief that the distinguished Senator came to the same conclusion as themselves.

It has been supposed by many that Chinese immigration has reached its limit. But this is at variance with what is plainly indicated by demonstrated facts. Although many Chinese return each Autumn to their own country, a still larger number make their advent in the Spring; the annual surplus of immigrants over emigrants being from eighteen thousand to twenty thousand, which insures a constant increase of the Chinese population. As already stated, the Chinese constitute one-sixth of the people of the State; their number being about one hundred and fifty thousand. This is an average of various estimates, and is probably rather below than above the number, inasmuch as the Chinese are most ingenious in evading any accurate enumeration. We may here pause for a curious calculation. There are only between five and six thousand Chinese females in the State; and the Chinamen are, therefore, almost without exception, men without families. Each one of them is inspected before leaving China, with a care equal to the inspection of volunteers for active service in time of war. Without this they cannot be shipped. They are therefore healthy, active and enduring,—as much so, probably, as the average military force of any country. As concerns the white community, the number of men fit to bear arms may be estimated by the same rule that obtains in European countries, which is one in five of the total population. Therefore, of the six hundred thousand whites, there may be counted one hundred and twenty thousand men capable of actual service. From this it follows that in the number of men fit to bear arms in California today, China is twenty per cent. stronger than the United States. We may readily infer whether this proportion is likely to increase, when we consider the low cost at which Chinese immigrants can be brought to the Pacific coast. The charge per head for bringing coolies on a steam-ship is variously stated; sometimes as high

as fifty-five dollars by the advocates of Chinese immigration, sometimes as low as ten dollars by its opponents. The truth appears to be that the actual rates of the steam-ship company is about thirty dollars from Hong Kong to San Francisco, and about ten dollars on the return. I find in a sworn statement made by an expert in the business, that in sailing-vessels the Chinese can be brought to California for fifteen dollars each. Even under conditions hitherto existing, it is plain that the Chinese will continue to increase on the Pacific coast.

But there is another and novel aspect of the Chinese question which gives renewed and multiplied force to every argument used against this Asiatic invasion. As we have seen, China for many hundred years discouraged the emigration of her people. We have seen, also, that the barriers she builded to shield her empire were broken down by force and fraud in which, in the later days at least, we had our share. We have seen, too, that the Chinese intellect, the Chinese character, is strong, vigorous, patient and far-sighted; and that as diplomats the statesmen of China have held their own with those of every other nation in the world. This people thus constituted have now reached a point where the policy of four thousand years is manifestly reversed, and China, instead of standing upon the defensive, is upon the verge of, if she has not already adopted, an aggressive policy.

The signs of aggression are neither few nor obscure. As already remarked, on her own coasts and in neighboring regions she has supplanted the enterprise of Europeans and Americans. This process is now being extended to our own country and, if continued, will soon constitute upon the Pacific coast a power too strong to be overcome by policy or war. The Chinese Steam Navigation Company is about to establish a steam line direct to Havana, which at once will control the Chinese trade with the Atlantic seaboard and the Spanish Main, and provide a means for the easy transport of Chinese immigrants to the United States, the West Indies and South America. One hundred and forty thousand of these, it is stated on apparently good authority, have already found a place in Cuba. Within the past few weeks, we have witnessed the inauguration, with

the steamer *Hochung*, of direct trade in Chinese steam-vessels between Hong Kong and San Francisco. The opportunities afforded by a favorable public opinion and thoughtless governmental action, both in this country and in Europe, have enabled China to avail herself of the latest and most improved resources, whether for peaceful or warlike purposes. Hundreds of the best of her young men have been educated in Caucasian schools; the scientific works of Europe and America have been translated into her language for the use of her officials. Armories have been established on Chinese soil for the manufacture of improved fire-arms for Chinese troops. China has defeated the Russians in Kashgar with muskets from the arsenals of Europe, and has mounted Krupp guns on the earthworks that guard the inlets to the great rivers. And within the past few years she has equipped a navy which, with the single exception of that of Great Britain, carries heavier and more effective ordnance than that of any other nation in the world. And it is this nation, possessed at the present time of a population of upwards of five hundred millions, increasing at the rate of one per cent. per annum or one hundred millions in twenty years; it is this nation, hemmed in on all sides, save that of the sea, and whose soil has already reached the limit of productiveness for its people; it is this nation, whose sway has never permanently receded from any region over which it has once been held; it is this nation with which we are now brought face to face, and which we smite with one hand, while with the other we open wide the gates to its inflow upon our territory.

Is it not time we sought to protect ourselves against the influx of such a people, the commercial enterprise of such a country, the possible aggressions of such a power? But in what way shall the inflow be stopped and its reflux be secured? Considered with reference to the formalities and technicalities of diplomacy, the subject is perhaps not free from complexity. Examined with reference to expediency, to the broad equities which, with nations as with individuals, should be of controlling authority, the case grows comparatively clear. Sweeping aside all sentimentality and all technicalities woven by diplomacy, or rather by the lack of it, the most direct method is the best.

Chinese immigration should be stopped with all the power of the Government, and the elimination of the Chinese from our borders should be secured with the least possible delay. And preliminary to these, such legislation should be had as will either *de facto* or *de jure* abrogate our existing treaty with China. Notwithstanding the high authority which has pronounced that treaty as having the force of a provision of the Constitution, I for one must forcibly dissent from such a plea. The same paragraph of the Constitution which provides that treaties made in accordance therewith shall be the supreme law of the land, also declares that statutes made in accordance therewith shall be the supreme law of the land. A law of Congress, therefore, stands upon the same level and has the same force as a treaty with a foreign power. It has been judicially held that a Federal statute, contrary to a provision of a treaty, repealed the treaty itself. And this is sound law as well as sound common-sense. In order to secure a change in the Constitution, the favorable action of Congress and the consent of three-fourths of the separate legislatures of the States are required. When such care was exercised to prevent the hasty change of any of the provisions of the organic law, it cannot have been the intent of its framers that a treaty, entered into by a single plenipotentiary and ratified by the President and Senate, should have a power binding as that of the Constitution itself, and be capable of disturbing our industrial, social and political equilibrium. To say that the Senate and an envoy appointed by the President possess a power greater than that of both Houses of Congress and the President together, is to reverse the principles and traditions that have controlled the Government and expressed the will of the people from the beginning. That vigorous action is necessary in our own defence is, I think, clear to any one who will carefully investigate the facts and draw conclusions from them with the same direct logic as is applied to the ordinary concerns of life. And there is no ground for doubt that this action, to be effective, should not be delayed.

JAMES A. WHITNEY.

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## ART. II.—THE PHILOSOPHY OF THE CIVIL WAR IN THE UNITED STATES.

1. *History of the Origin, Formation and Adoption of the Constitution of the United States.* By GEORGE TICKNOR CURTIS. New York: 1863.
2. *The Writings of Thomas Jefferson.* Edited by H. A. WASHINGTON. New York: 1853.
3. *The Works of Daniel Webster.* Boston: 1854.
4. *Thirty Years' View, or a History of the Working of the American Government for Thirty Years from 1820 to 1850.* By A SENATOR OF THIRTY YEARS. New York: 1854.

Truth is brought to light by time and reflection, while falsehood lives by bustle, noise, and precipitation.—*Tacitus.*

Take away the sword: States can be saved without it.—*Edward Bulwer-Lytton.*

It has been observed that "it was long before man came to apprehend the prevalence of law in the phenomena of matter; and it was still longer before he could even entertain the notion of natural law as applicable to himself. The ancient law-givers were always aiming at standards of political society framed according to some abstract notions of their own as to how things ought to be, rather than upon any attempt to investigate the constitution of human nature as it actually is. It was a mistake in the science of politics analogous to that which Bacon complained of so bitterly in the science of physics. Men were always trying to evolve out of their own minds knowledge which could only be acquired by patient inquiry into facts. How worse than useless this method



is, received an illustration in ancient philosophy still more striking than in ancient legislation. Fortunately for mankind, no actual legislators have ever been quite so foolish as some philosophers. Perhaps, all things considered, the most odious conceptions of human society which the world has ever seen, were the conceptions of an intellect certainly among the loftiest which has ever exercised its powers in speculative thought. Plato's Republic is an ideal State, founded on abstract conceptions of the mind, and one of its leading ideas is the destruction of family life, and the annihilation of the family affections. And yet, this result, odious and irrational as it is, was arrived at from reasoning which is not in itself odious, but which is false, chiefly because it takes no account of the facts. Such are the humiliating results of abstract reasoning pursued in ignorance of the great law that no purpose can be attained in nature except by the legitimate use of the means which nature has supplied. For as in the material world, all her forces must be acknowledged and obeyed before they can be made to serve, so in the realm of mind there can be no success in attaining the highest moral ends until due honor has been assigned to those motives which arise out of the universal instincts of our race." \*

The science of government may be said to consist in establishing the coincidence of statute and natural law within the sphere of social phenomena. We mean, of course, civil as distinct from moral government. Theoretically, the Constitution of the United States did point directly to this end, and if the fundamental law had been executed in spirit and detail as designed by the wise statesmen who framed it, how vastly different would have been the condition of the country at the present moment! The preamble of the instrument recites the lofty intention of its authors: "We, the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." Certainly

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\* *The Reign of Law.* By the Duke of Argyll. Chap. vii.

these noble ends appear to be entirely within the range of practicability. It was the idea of Locke that the chief end of government was to secure the right of property, but even from this narrow point of view it must be admitted that the United States government in the manner of its administration has failed, for in the exercise of the taxing power and through the venality of legislators, the most outrageous, and we might say unparalleled, violations of the right of property seem to be the rule or, at least, by no means the exception. But it is in the department of finance that those who have been charged with the administration of the government have inflicted the most serious injury upon the people.\*

The history of fiscal administration in the United States is, in its most important points, the negation of the fundamental as well as of the natural law. So distinctly was the removal of the curse of paper-money one of the chief objects contemplated by the Constitution of 1787, that "there was a loud and general outcry against the people of Rhode Island, who had kept themselves aloof from the National Convention, for the express purpose, among others, of retaining to themselves the power to issue such a currency."† There were at this time only three banks in existence in the United States, namely, the Bank of North America, at Philadelphia; Massachusetts Bank, at Boston; Bank of New York, at New York. The first named bank produced so much evil that the State of Pennsylvania took away its charter in less than four years after it went into operation, but it continued business under the charter obtained from the old Congress; and it was finally reincorporated by the State of Pennsylvania, in March, 1787. How much circulation these banks were enabled to put out is not known, but it was very little, notwithstanding that every contrivance or artifice was resorted to for that purpose. Experience had hitherto led the people to look with suspicion on everything in

\* "I do not hold, gentlemen, that good finance is the beginning and the end of good government, but I hold this—that it is an essential of good government; it is a condition of good government; without it you cannot have good government, and with it you almost always get good government."—Speech of Hon. W. E. Gladstone at Edinburgh, November 29, 1879.

† *History of the Constitution.* Curtis.

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the shape of paper-money. The wreck of two hundred millions of paper dollars lay upon the land, and the framers of the Constitution worked in the midst of that wreck. Accordingly, our fathers, so far as they established anything under the fundamental law, established a hard-money government. The word *currency* is not in the Constitution, nor any word which can be made to cover a circulation of bank-notes. Gold and silver are the only things recognized as money: they are the money and the only money of the Constitution. The Federal Government is not, indeed, prohibited in terms from issuing paper-money under any circumstances, for our fathers were too wise to impose such restriction; but the power to issue is nowhere granted, except under what may be called the war clause, which confers plenary power to do whatever Congress may consider necessary in any emergency, when the safety of the State becomes the supreme law.\* The Constitution, however, does distinctly say that no State shall "make any Thing but gold and silver Coin, a Tender in payment of Debts," or pass any "Law impairing the Obligation of Contracts."

The power to issue circulating notes, or promissory notes to circulate as money, is not delegated to Congress by the Constitution, and consequently does not reside with the Federal Government: it is expressly prohibited to the States, and consequently does not reside with the States; and such a power is repugnant to the expressed and implied powers of both Federal and State Governments, as it is also unquestionably contrary to the principles of political economy.† Moreover, legislative enactment explained the practical intent and meaning of the framers of the Constitution, for the fifth statute passed at the first session of the first Congress that ever sat under the present Constitution, on the thirtieth day of July, 1789—just one month after Congress had commenced the work of legislation—declared that the fees and duties payable to the Federal Government shall be received in gold and silver coin only; the

\* "The laws fall to the ground with the peace which they are no longer able to uphold." Burke.

† The Constitution of the United States, as Burke said of the British Magna Charta, "is a charter to restrain power, and to destroy monopoly."—Speech on Fox's East India Bill.

gold coins of France, Spain, Portugal and England, and all other gold coins of equal fineness, at eighty-nine cents for every penny-weight; the Mexican dollar at one hundred cents; the crown of France at one hundred and eleven cents; and all other silver coins of equal fineness, at one hundred and eleven cents per ounce. It is no argument to say that the notes of State banks or National banks of issue, as banks of issue are known in this country, are not a legal tender by the statute, and therefore not unconstitutional:\* it is sufficient to say that bank issues expel the coin from the channels of circulation, so that there is no legal tender in fact, and by a law of necessity they, in the absence of coin, become a legal tender, because they are the only available instrumentality for discharging debts. They become the actual and practical currency of the community: people must take it or get nothing; and everybody must use it from necessity, whether compelled by law or not.

It was, then, with a very limited experience only on the part of the community, of the effects of banks of issue, that the Secretary of the Treasury, Mr. Alexander Hamilton, in December, 1790, presented to Congress his celebrated report, recommending the establishment of a Bank of the United States. The advocates of the measure, besides maintaining the expediency of it, as a means of stimulating the industry of the people and augmenting the national wealth, held it to be a most useful, and therefore so desirable an instrument for exercising the fiscal functions of the Government as to entitle it to be regarded, in the language of the Constitution, as "necessary and proper for carrying into execution" the powers vested in the Government by the Constitution. Its opponents denied both its expediency and its constitutionality. Most of them preferred a metallic currency to one composed of bank-notes; whilst the measure was by many regarded as unconstitutional,†

\* "The same reasons which show the necessity of denying to the States the power of regulating coin, prove with equal force that they ought not to be at liberty to substitute a paper medium in the place of coin. \* \* \* The power to make anything but gold and silver a tender in payment of debts, is withdrawn from the States, on the same principle with that of issuing a paper currency."—Madison, *Federalist*, pp. 350-51.

† See Jefferson's opinion against the constitutionality of a National Bank.—*Works*, Vol. VII, p. 555.

because, however convenient the proposed bank might be to the Government, in their opinion it could not, in the true meaning of the Constitution, be pronounced to be necessary and proper for carrying into execution other powers, of a primary nature, expressly conferred by that document. Nevertheless, the act of incorporation was passed, and among the provisions in the act was one making the notes of the Bank receivable in all payments to the United States, "and from that moment the moneyed character of the Federal Government stood changed and reversed. Federal bank-notes took the place of hard-money; and the whole edifice of the new government slid, at once, from the solid rock of gold and silver money on which its framers had placed it, into the troubled and tempestuous ocean of a paper currency." The Constitution was thus violated, the Statute of 1789 overthrown, and from that day until the present, the country has been plunged into an interminable currency debate, until, to use Mr. Jefferson's expression, it seems as though our very brains were made of lamp-black and rags.

It would appear surprising, considering the condition of England at that time, and of France, and of Europe generally with reference to paper-money, that Congress should have taken such a leap into the shoreless ocean of paper; but Hamilton, although a statesman, was also a politician. Mr. Jefferson had been absent in France, and had too recently returned to be of any service in resisting the measure.\* Jefferson was a democrat; Hamilton was an aristocrat, and although, as Jefferson writes, "of an acute understanding, disinterested, honest and honorable in all private transactions, amiable in society and duly valuing virtue in private life, yet so bewitched and perverted by the British example, as to be under thorough conviction that corruption was essential to the government of a nation." The whole secret of this struggle

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\* "I told him"—writes Jefferson in 1792 of a conversation with the President (Washington)—"that a system had there been contrived for deluging the States with paper-money instead of gold and silver, for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, and other branches of useful industry, \* \* \* and which had introduced its poison into the government itself."—*Works*, Vol. IX, p. 104.

with reference to banks of issue, appears to be that it is simply a vulgar squabble on the part of so-called bankers to obtain the profit of circulation which is not essential to the legitimate and even large profits of banking, as the example of other countries shows, which profit belongs to the State, and should be used, if at all, for the benefit of the taxpayers; and on the part of the politicians it is a strife for power which they hope to secure by allying themselves with the so-called bankers. The Bank of the United States was a corrupt political machine from its birth throughout its whole career to its disgraceful end. We say "so-called bankers," because the business of issuing promissory notes to circulate as money is no part of the business of banking. The business of banking is to loan the credit and the circulating capital of the bank, and the circulating capital of its depositors, on the security of other circulating capital, or on the security of commercial paper which, if genuine, represents circulating capital. But the issue of promissory notes is a usurped and an unnatural function of banking, and it cannot be made secure, because the redemption of bank-notes, payable in coin on demand, cannot be secured except by a pledge of coin. Money is circulating capital, and the redemption of notes payable on demand cannot be secured by a pledge of fixed capital, or of bonds\* which are not capital at all but simply debt. It might as well be attempted to secure the promise to deliver wheat on demand, by pledging a title-deed of land. But the essence of value in money is not either immediate or remote redemption; the real thing to be desired is an efficient check against excessive issues, and when a pledge of coin is required for every note issued there is no motive to excessive issue, because the interest gained on the paper issued is lost on the coin pledged. Profit is the object to be gained by the issuer, and with a pledge of coin required, the circulation cannot be increased without adding value to the circulation: in the

\* Even suppose the system were not in other respects defective, yet, as Mill justly observes, "if the property cannot be claimed in exchange for the notes, it is difficult to divine in what manner its mere existence can serve to uphold their value." In a general suspension the banks do not give up the property to their note-holders.

absence of such a pledge, the circulation can be increased, and, as human experience shows, always is increased without adding value—*price* only is gained and depreciation is at once established. We are speaking of banks of issue as they are known in this country, and as the Bank of England was constituted before the Act of 1844.

It was justly objected to the United States Bank that seven millions of its capital stock was owned by foreigners, and thus foreigners were actually fleecing the people of the United States by drawing interest on their promissory notes in circulation as money. The same objection lies against the present national banks of issue, a considerable portion of whose stock is owned by foreigners and absentees, and a tax is thus levied on the American people for the benefit of those who contribute nothing whatever to the commonwealth, but who, like vampires, are sucking the blood of the community. A metallic circulation is a circulation of value on which the people pay no interest to anybody; but a circulation of paper is a circulation of no value on which the people pay interest to the issuers. The national bank circulation, therefore, is a tax on the people for the benefit of aliens and others, and the tax should be removed because it puts no money into the public treasury, besides entailing upon the country the evils and expense of bureaucracy.

The downfall of the United States Bank in 1834 separated the Federal Government from the business of banking, and the establishment of the Independent Treasury in 1840, finally, in the language of the day, divorced Bank and State. This last measure which revived, in effect, the statute of 1789 contemned by Hamilton, was vehemently opposed by the bank party in the Senate under the lead of Webster and Clay, and in the house by Caleb Cushing and others, but finally passed the former by a vote of twenty-four to eighteen, and the latter by a vote of one hundred and twenty-four to one hundred and seven. This measure was described as "the distinguishing glory of the twenty-sixth Congress, and the crowning mercy of Mr. Van Buren's Administration." Experience has amply vindicated its wisdom, importance and



value. One of its curious but scientific features is that when imports are excessive, the payment of coin for duties into the Treasury takes money out of circulation, or out of the reserves of the banks, and thus operates to contract the currency and check excessive importation—a sort of automatic brake on the wheels of commerce when going too fast. This salutary action was perfectly understood by the friends of the measure, and Mr. Webster, who seems to have acted as an attorney for the bank interest,\* opposed the measure on this very ground. It would oblige the banks to contract their issues and thus curtail their profits. But upon principles of political philosophy, the measure is very desirable in itself, for it effects the divorce of Bank and State, which is as essential to the liberty and welfare of the people as the divorce of Church and State. Banks, properly so-called, are indispensable to a civilized commercial people, but when joined in a political alliance with the State, or when allowed to issue their promissory notes—unlimited in quantity and unsecured in value by an actual pledge of coin—to circulate as money, are, as the Colossus of American statesmen has declared them to be, “more dangerous than standing armies.”

The example of Hamilton's licentious construction of the Constitution in establishing a national bank of issue was quickly followed. From the three banks that were in existence at that time, the number increased to eighty-eight on January 1st, 1811. The charter of the first United States Bank expired in that year, and was renewed in April, 1816, for twenty years. The bank commenced business on the 7th January, 1817, and immediately began a reckless career: it became a practice to lend to the stockholders, on their stock, to the extent of the par value, without any personal security. Meanwhile the war of 1812 broke out, when the number of banks increased rapidly, till in 1815 there were two hundred and eight; in 1816 two hundred and forty-six. During this period there were excessive issues of bank-notes made for the

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\* “To his own and his country's harm the advocate in him always spoke loud in the reasoning of the statesman.”—Von Holst, *Const. History of U. S.* Vol. I, p. 495.

payment of loans to the Government; the banks all stopped specie payment,\* and the result was that the revenues of the Government were paid in bank-notes all differing in specie value, thus violating the provision of the Constitution making taxes uniform throughout the country. The following table shows the progressive increase of banks of issue in the United States:

Year.	Number of banks.	Circulation millions.	Year.	Number of banks.	Circulation millions.
1811.....	89	28	1837.....	788	149
1815.....	208	45½	1847.....	715	105½
1816.....	246	68	1857.....	1,416	215
1820.....	308	45	1860.....	1,562	207
1830.....	330	61¼	1861.....	1,601	202

The disastrous panic and revulsion of 1837 is a well-known matter of history, of which we need not take particular notice; but we may mention that the circulation was, by the failure of banks and the contraction or destruction of bank paper, reduced to 116,000,000 in 1838; expanded again to 135,000,000 in 1839; reduced again to 107,000,000 in 1840; to 84,000,000 in 1842, and to 58,500,000 in 1843; then expanded again to 75,000,000 in 1844, and to 89,500,000 in 1845; to 105,000,000 in 1846; to 128,000,000 in 1848; reduced to 115,000,000 in 1849; expanded to 131,000,000 in 1850, and to 155,000,000 in 1851; then reduced to 146,000,000 in 1853; then expanded to 204,000,000 in 1854; then reduced to 187,000,000 in 1855; increased to 196,000,000 in 1856, and to 215,000,000 in 1857; then reduced to 155,000,000 in 1858; then increased to 193,000,000 in 1859, to 207,000,000 in 1860. These frequent alterations of the standard, while they were attended by the most injurious consequences to the people, indicate the repeated attempts on the part of the banks to crowd into circulation more paper than could flow in the channel of circulation and remain convertible; and it is obvious that under a metallic circulation no such violent alterations of the standard could have taken place. The currency was depreciated by reason of its excess, so that our manufacturing industry

\* This is what caused the suspension of cash payment by the Bank of England in 1797—war loans to the Government paid, not in money, but in bank-notes.

was subjected to foreign competition, thus causing a loud clamor for protection,—not against the action of the banks who were the real cause of the trouble, but against the cheaper labor of Europe, whose products were forced into the market by the natural law of international trade.

We shall now attempt to examine the political consequences of this departure from the landmarks established by our fathers, and in doing this we shall endeavor to show that among those consequences was the civil war, which has resulted in sweeping away the republican commonwealth, and in giving place to a government of class interests—a sort of political devil-fish which is throwing out its tentacles in all directions, and arrogating to itself powers which “are reserved to the States respectively or to the people,” which reservation is vitally essential to the maintenance of the republican system of government.\*

Where there is no division of labor in a community, there cannot be a stable democracy; and, on the other hand, slavery cannot permanently exist where manufacturing industry is carried on to a considerable extent, and where the division of labor is consequently widely extended. “The division of labor,” says Adam Smith, “is the first principle of a free civilized society.” And he remarks that “commerce and manufactures gradually introduced order and good government, and with them the liberty and security of individuals, among the inhabitants of the country who had before lived almost in a continual state of war with their neighbors, and of servile dependency upon their superiors.” And again: “It is the great multiplication of the productions of the different arts in consequence of the division of labor, which occasions in a well-governed society that universal opulence which extends itself to the lowest ranks of the people.”

As slavery was already planted and had taken root in this country when we had achieved our independent national existence, its peaceful extirpation required the most careful

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\* It is to the well-founded jealousy of Federal encroachment on the part of the State of Massachusetts that we owe the restraint imposed by the tenth article of amendment to the Constitution.

observance of economic law ; for "where slavery proper subsists, any improvement in the process which substitutes mechanical for human force becomes difficult, partly because its introduction would depreciate the value of the slave, partly because the slave is unfitted to use it. The general prevalence of slavery was probably the cause why the ancient world made so little progress in the mechanical arts."\* That slavery in some form, that is to say, the subjection of many to the will of a few, is the natural condition of society in a well-populated and purely agricultural community, where there is no division of labor, and where, consequently, the chief or only social distinction arises from ownership of the soil, appears to be true.† Climate does not appear to exercise a controlling power on or over slavery—to destroy it on one hand, or to establish it on the other. The advance of civilization, that is to say, the extension of the division of labor, will inevitably destroy it. The advance of the mechanical arts, the introduction of steam, and the consequent increase of production resulting from the application of mechanical agencies to the productive force and power of a society, are incompatible with the existence of slavery.‡

At the time of the adoption of the Constitution of 1787, slavery existed in every State excepting Massachusetts and New Hampshire, it having been abolished in the former State by the Constitution of 1780. By the Federal Constitution of 1787, the slave-trade was forbidden after 1808, but the word *slave* nowhere appears in the instrument, and it is well known that slavery was looked upon with disfavor by some of the best and wisest statesmen of the South, and with strong dislike by the people of several of the States. "Can the liberties of a

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\* Professor J. E. Thorold Rogers.

† Chattel slavery may not exist, but predial slavery is inevitable ; and that is the condition of the colored people of the South, as well as of the Irish tenantry, today.

‡ The present condition of Ireland is a case in point of this economic law. The absence of the division of labor, and absenteeism of landlords, have reduced the cultivators of the soil there to a condition compared with which slavery, as it existed in the Southern States, is more tolerable. Mr. John Bright, in a speech at Birmingham, January 20, 1880, distinctly recognizes the law. "In England," he said, "there were other industries to correct the evil of the feudal system."—See speech reported in *New York Herald*, February 9, 1880.

nation be thought secure," writes Mr. Jefferson, "when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? that they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation." The spirit of liberty was abroad in the land and the gradual and prospective abolition of slavery took place in the New England States,\* New York and Pennsylvania, although it was not finally extinct in Connecticut till after 1840, as the census for that year in that State returned seventeen slaves. Indeed, Massachusetts, Maine, Vermont and Michigan were the only States that contained no slaves by the census of 1840. The following table is interesting and instructive as showing the relative proportion of white and colored slave and free population :

Census years.	White persons. Per cent.	Colored persons.			
		Free. Per cent.	Slave. Per cent.	Total. Per cent.	Total. Per cent.
1790, . . . . .	80.73	1.51	17.76	19.27	100
1800, . . . . .	81.13	2.04	16.83	18.87	100
1810, . . . . .	80.97	2.57	16.46	19.03	100
1820, . . . . .	81.57	2.47	15.96	18.43	100
1830, . . . . .	81.90	2.48	15.62	18.10	100
1840, . . . . .	83.17	2.26	14.57	16.83	100
1850, . . . . .	84.31	1.87	13.82	15.69	100

\* The nature of the industries of these States was incompatible with the existence of slavery.

Now, the information we gain from the above table is that since the Constitution was formed, the colored population has been in a continually declining ratio to the white population, owing, doubtless, to the extinction of the slave-trade, and to the immigration of whites, and partly, perhaps, to a greater fecundity of the white race. But the remarkable fact is that the proportion of free colored to slaves was in a continually increasing ratio down to 1830, when the progression changed and became a declining ratio of free colored to slaves. Now, the question which concerns us is, what arrested the advance of freedom among the colored population?

During the colonial dependence of the United States, the policy of England was directed to the repression of manufactures and to the encouragement of agriculture, especially in such branches as were necessary to England. In the speech from the throne on the nineteenth of October, 1721, it is observed that: "Our plantations in America naturally abound with most of the proper materials for this necessary and essential part of our trade and maritime strength; and if by due encouragement, we could be furnished from thence with naval stores, which we are now obliged to purchase and bring from foreign countries, it would not only greatly contribute to the riches, influence, and power of this nation, but by employing our own colonies in this useful and advantageous service, divert them from setting up and carrying on manufactures which directly interfere with those of Great Britain." In 1731, the House of Commons called upon the Board of Trade and Plantations to report "with respect to any laws made, manufactures set up, or trade carried on in the colonies, detrimental to the trade, navigation, and manufactures of Great Britain." The alarming discovery was made that hats were manufactured in the colonies in considerable quantities and had even been exported to foreign countries. A law was therefore passed, forbidding hats or felts to be exported from the colonies or even "to be loaded on a horse or cart or other carriage for transportation from one plantation to another." In 1750, a law was passed prohibiting "the erection or continuance of any mill or other engine for slitting or rolling

iron, or any plating-forge, to work with a tilt-hammer, or any furnace for making steel, in the colonies, under penalty of two hundred pounds."

Notwithstanding these restraints and the restraints of the navigation laws, the commercial enterprise of the colonists achieved important advances. "Our fisheries were the wonder of Europe; our trade in lumber and naval stores important." The cultivation of tobacco became an important industry in the Southern States, and to encourage it England prohibited its cultivation in Great Britain. The colonies before and the States after the revolution, which had enjoyed the advantages of neutrality while the powers of Europe were at war, began to accumulate capital in such industries as had been allowed to flourish, and also in foreign trade; but the embargo of 1807, and the war with Great Britain that followed, caused the total interruption of foreign trade, thus setting at liberty an amount of capital which found employment in the development of manufacturing industry: "manufactures on a large scale, requiring great capital and skill, owed their existence to the total interruption of commerce." The division of labor thus became more extended, and when peace was declared, in 1815, it found the manufacturing industry firmly established with a very large amount of capital invested in it.\*

It may be observed here that the division of labor is limited by the extent of the market, and by the quantity of circulating capital available for the employment of industry. The interruption of foreign commerce, therefore, occasioned by the war of 1812, released a large amount of capital, as has been already stated, and, at the same time, there was an abundance of natural agents, such as water-power, fuel, a virgin soil and navigable streams all ready to be harnessed to the work. No legislative protection was needed, although the existing laws were sufficient for the purpose, for the war was prohibitory of foreign trade. When peace was restored, in 1815, foreign commerce and the fisheries revived, ship-building became active, and the New England and Middle States began

\* For a notice of the impulse given to manufactures by the embargo, see *Jefferson's Works*.



to compete successfully for a share of the foreign carrying trade, under which they rapidly gained opulence. To illustrate the nature and profitableness of this foreign carrying-trade, and at the same time to correct a prevailing economic error, we may repeat in his own language an incident related by Mr. Webster in a speech on the tariff in the House of Representatives in April, 1824: "Allow me, sir, to give an instance tending to show how unaccountably individuals deceive themselves, and imagine themselves to be somewhat mending their condition, while they ought to be persuaded that, by that infallible standard, the balance of trade, they are on the high road to ruin. Some years ago, in better times than the present,\* a ship left one of the towns of New England with 70,000 specie dollars. She proceeded to Mocha on the Red Sea, and there laid out these dollars in coffee, drugs, spices, and other articles procured in that market. With this new cargo she proceeded to Europe; two-thirds of it were sold in Holland for \$130,000, which the ship brought back and placed in the same bank from the vaults of which she had taken her original outfit. The other third was sent to the ports of the Mediterranean, and produced a return of \$25,000 in specie, and \$15,000 in Italian merchandise. These sums together make \$170,000 imported, which is \$100,000 more than was exported, and is therefore proof of an unfavorable balance of trade, to that amount in this adventure."

This interesting incident affords an insight into the nature of the commerce by the means of which the New England States were rapidly accumulating capital for the purpose of extending manufacturing industry. But, unfortunately, at this time the evils of an excessive and consequently depreciated currency began to be felt. Perhaps no better illustration can be given of the change that had taken place than the fact that the speech of Mr. Webster in 1824, from which we have just quoted, was a free-trade speech, while his second speech on the tariff in 1828 was for protection. The banks had begun

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\* It will have been noticed in the foregoing pages that the circulation was contracted between 1816 and 1820 from 168,000,000 to 45,000,000, which explains the depression to which Mr. Webster alluded.

their work of assault on the mechanical industry of the nation; the mechanical industry of the nation began to appeal to Congress, not to suppress the banks of issue, as it should have done, but to protect mechanical industry from the natural consequences of excessive bank issues by taxing the people. They who were the determined champions of bank-notes, were also the loud advocates of protection, and between the upper and nether millstones the people were being ground. This state of affairs was perfectly understood by southern statesmen. Mr. Webster, in some remarks on the general effects of protection, thus delineates the view of Mr. Calhoun: "His idea is, that, if some goods are manufactured at home, less will be imported; if less goods are imported, the amount of exports still keeping up, the whole export being not thus paid for by import, specie must be brought in to settle the balance; that this increase of specie gives new powers to the banks to discount; that the banks therefore make large issues, till the mass of currency becomes redundant and swollen; that this swollen currency augments the price [cost?] of articles of our own manufacture,\* and makes it necessary to raise their prices still higher; and this creates a demand for the imposition of new duties." This, though a somewhat obscure statement of facts, clearly shows the accurate drift of Mr. Calhoun's mind. He saw that the object of protective duties was to raise the price of foreign manufactures; that when the price of foreign manufactures was raised, it removed foreign competition with home manufactures; that the price of home manufactures was then raised; that this advance of home manufactures enabled the banks to put out more circulation, the effect of which was to raise general prices and increase the cost of home manufactures; that then excessive imports began to flow into competition with home manufactures; that this necessitated still higher duties for protection of home manufactures, and so on *ad infinitum*, until the fever culminated in a paroxysm.

It should not be understood that the South was inimical to the doctrine of protection, so far as that doctrine was

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\*And consequently foreign imports begin to set in, and exports at the same time decline.

understood to mean simply the encouragement of home industry, and especially manufactures. It objected to the doctrine of protection when it became abused, and prostituted to the service of banks of issue.\* The doctrine of protection was applied in the South itself at an early period for the purpose of domesticating the cotton-plant, and thereby obtaining the advantage of what is known in political economy as the territorial division of labor. In 1816 Mr. Calhoun was an outspoken and able advocate of encouragement to manufactures. Mr. Webster was on the opposite side of the question. In 1828 they had changed places, both from the same cause. Webster was the champion of the bank party, and, therefore, by necessity a protectionist, in order to save the mechanical industry of the New England States from supposed probable ruin. Mr. Calhoun objected to the abuse of the protective principle, because he was not willing to be taxed for the benefit of banks of issue. If the North wanted banks of issue, let it take the loss as well as the profit of banks of issue; let it reap what it had sown.

The encouragement of manufactures, the suppression of paper-money, and the enactment of navigation laws were distinctly among the especial objects of national concern at the foundation of the government, and are demanded by the highest considerations of public policy. The encouragement of manufactures and the maintenance of navigation laws are defended by Adam Smith: the former, as we have already seen, as the chief security for liberty, civil order, and good government; the latter for the reason that, "as defence, however, is of much more importance than opulence, the Act of navigation is, perhaps, the wisest of all the commercial regulations of England." Mr. Jefferson was unreservedly committed to the policy of encouraging manufactures after the embargo; and on the subject of navigation laws he declared

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\* "As to the tariff," wrote Mr. Jefferson, "I should say put down all banks (of issue), admit none but a *metallic circulation* that will take its proper level with the like circulation in other countries, and then our manufactures may work in fair competition with those of other countries, and the import duties which the Government may lay for the purposes of revenue, will so far place them above equal competition."—Jefferson's *Works*, Vol. VII, p. 180.

that it involved still higher considerations: "As a branch of industry, it is valuable; but as a resource of defence, essential.

\* \* \* The position and circumstances of the United States leave them nothing to fear on their landboard, and nothing to desire beyond their present rights. But on their seaboard they are open to injury; and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artisans and establishments in readiness for ship-building."

We have said that in 1828 Mr. Webster and Mr. Calhoun changed places with reference to the tariff, and in that year the question became one of overshadowing importance to the nation; for the doctrine of nullification dates from the enactment of that tariff, and marks a disastrous epoch in American history, whose remote consequence was the conflict which shook the foundations and changed the superstructure of the Government. There was no excuse for this revision of the tariff. It was the work of bank politicians and the manufacturers together: \* the banks wanted to put out more circulation for the profits of circulation; the manufacturers wanted higher prices for their goods as a consequence of increased bank circulation; the politicians wanted patronage and the power which patronage gave, and which was necessarily increased when taxation was increased.† In the course of the debate on this tariff, Mr. Rowan of Kentucky said: "He was not opposed to the tariff as a system of revenue, honestly devoted to the objects and purposes of revenue—on the contrary he was friendly to a tariff of that character; but when perverted by the ambition of political aspirants, and the secret influence of inordinate cupidity, to purposes of individual and sectional ascendancy, he could not be seduced by the captivation of names or terms, however attractive, to lend it his individual support. It is in vain, Mr. President, that it is called the American system—names do not alter things. There is but one American system, and that is delineated in

\* Benton.

† With curious but unintentional irony, this system of banks of issue and high tariff was called the "American system."

the State and Federal Constitutions. It is the system of equal rights and privileges secured by the representative principle—a system which, instead of subjecting the proceeds of the labor of some to taxation, in the view to enrich others, secures to all the proceeds of their labor, exempts all from taxation, except for the support of the protecting power of the Government. As a tax necessary to the support of the Government, he would support it—call it by what name you please—as a tax for any other purpose, and especially for the purposes to which he had alluded, it had his individual reprobation, under whatever name it might assume.”

We have said there was no excuse for this tariff; it was not necessary to the support of the Government; but the real cause of its being brought forward was the fact that the banks were increasing their issues as we have shown, thus depreciating the currency. And in order to create the necessity for more revenue, the doctrine of “internal improvements,” so-called, was urged at this time with zeal, in order to justify increased taxation. The power to spend money in the prosecution of internal improvements was inferred from the power “to regulate commerce” granted by the Constitution. The power to build light-houses, breakwaters at the entrance of the coast harbors, and so on, to insure the safety of navigation, was generally admitted and acted upon; but beyond that the constitutionality of the doctrine of internal improvements was denied by Presidents Jackson and Polk. Had Congress authority under the general power to regulate commerce to build a harbor at Buffalo, for example, where nature had not formed one, at the public expense for local benefit; or should such an improvement for local benefit be made at local expense? If Congress was justified in building an artificial harbor at Buffalo, might it not also have built the Erie Canal? Here was manifestly a case requiring a strict construction of the Constitution. It became a difficult and a nice question to know what Congress might not do. “Under the power to regulate commerce,” said Mr. Jefferson, “they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of

industry, and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post-roads,\* they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words 'general welfare,' a right to do, not only the acts to effect that, which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare."†

Meanwhile, the banks continued to increase their issues,‡ and the manufacturers and the politicians to clamor for more protection. Let it be still borne in mind that the real enemy of the manufacturers was the banks; but their supposed or pretended enemy, against which they wanted protection, was unequal foreign competition. Accordingly, in the year 1832, during the administration of General Jackson, the tariff question was brought forward again, and with it the question of the renewal of the charter of the United States Bank,

"—that fatal and perfidious bark

Built in th' eclipse, and rigg'd with curses dark."

We may again observe that there was not only no necessity for an increased revenue, but, in view of the extinction of the public debt, then very near at hand and reduced to a certainty within the ensuing year, President Jackson recommended the abolition of duties on numerous articles of necessity or comfort not produced at home. Of course, the United States Bank, which was a powerful political machine at that time, did not want a reduction of revenue, because it received the public moneys on deposit and profited thereby, and it needed the profit of the public deposits to assist it in paying "enormous bounties which it was conceded had been paid by its late managers to trading politicians and mercenary publishers for corrupt services, rendered to it during its charter-seeking and

\* The suspension-bridge across the East River connecting New York with Brooklyn is an example of the abuse of constitutional power to establish post-roads.

† It should not be understood that Mr. Jefferson was opposed to internal improvements. His view was that surplus revenue should be redistributed among the States according to their representation, and the States could expend this surplus for internal improvements as they saw fit.—*Works*, Vol. VIII, p. 41.

‡ In 1834, the bank circulation had increased to \$94,839,570; in 1835 to \$103,692,495; in 1836 to \$140,301,038.

electioneering campaigns." Nor did the manufacturers want a reduction of taxation, because taxation of foreign manufactures enabled them to establish monopoly-prices for their own, and thus to protect themselves, as they thought, from the excessive issues of the banks, and to pay their lobby agents, and prosper at the expense of the taxpayers, and of the South. The debate was warm and exciting. General Smith, of Maryland, said: "I am, Mr. President, one of the few survivors of those who fought in the war of the Revolution. We then thought we fought for liberty, for equal rights. We fought against taxation, the proceeds of which were for the benefit of others." On the opposite side the debate was quite as warm and quite as serious. Mr. Clay said: "The danger to our Union does not lie on the side of persistence in the American system,\* but on that of its abandonment. \* \* \* But let that be checked, let them feel that a foreign system is to predominate, and the sources of their comfort and subsistence dried up; let New England and the West, and the Middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then, indeed, we might tremble for the continuance and safety of this Union."

Here, then, was the dilemma sharply presented. If the American system, with unlimited bank issues and consequential heavy taxation far beyond the revenue requirements of the Government in order to establish monopoly-prices for manufacturers, were not sustained, the safety of the Union would be endangered. On the other hand, if unconstitutional banks of issue were to create a swollen and redundant currency, and "the accursed policy of the tariff" were to be adhered to, then the South would revolt at the tyranny upon the principle which animated our revolutionary fathers in the conflict with Great Britain,—that resistance to tyrants is obedience to

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\* The so-called American system was a veritable two-edged sword against the South. It obliged her to sell her entire cotton crop at prices fixed in Liverpool, and at the same time obliged her to buy all her commodities for consumption at high prices fixed by banks of issue and indirect taxation through the tariff. And the South knew this; she clearly perceived the violation of political economy as well as of the Constitution.



God. It was a case where the eloquent language of Burke became applicable: "Be content to bind America by the laws of trade: you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes: you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of States and kingdoms. Leave the rest to the schools, for there only may they be discussed with safety. But if intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions and consequences to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. Nobody will be argued into slavery." Mr. Hayne, of South Carolina, during the debate spoke in a supplicating tone: "I call upon gentlemen on all sides of the House to meet us in the true spirit of conciliation and concession. Remove, I earnestly beseech you, from among us this never failing source of contention. Dry up at its source this fountain of the waters of bitterness. Restore that harmony which has been disturbed—that mutual affection and confidence which has been impaired. And it is in your power to do it this day; but there is but one means under heaven by which it can—by doing equal justice to all. And be assured that he to whom the country shall be indebted for this blessing, will be considered as the second founder of the Republic. He will be regarded in all after-times, as the ministering angel visiting the troubled waters of our political dissensions, and restoring to the element its healing virtues."

This appeal for forbearance and these words of loyalty to the Union produced no effect on the majority, and the session ended without any sensible amelioration of the system, beyond the reduction of the duty on a few articles of comfort and necessity as recommended by President Jackson. But General Jackson vetoed the bill rechartering the United States Bank,

and the election which followed in the same year resulted in his reelection as President with Martin Van Buren as Vice-President. But South Carolina had given up all hope of obtaining justice, held aloof from the contest, did nothing to assist the reelection of General Jackson, and in two weeks after the election which, it was then thought by some, had decided the fate of the American system, issued her ordinance of nullification. A compromise tariff bill was subsequently passed with the object of satisfying South Carolina, but it was strongly opposed by the Northern members of the House. Mr. John Davis, of Massachusetts, objected because, as he said, "I do object to a compromise which destines the East for the altar." It was an abandonment of the American system, and therefore intolerable. It will thus be seen that the dilemma was not removed. A second compromise tariff bill was passed in the early part of 1833, but without any decisive or satisfactory results. The real trouble was caused by the banks of issue that were then rapidly increasing, as we have shown, and, had they been suppressed, there would have been no altar upon which to sacrifice the East or the South or the Union. General Jackson promptly met, and with the aid of the Force Bill, crushed nullification which, constitutionally speaking, was absurd. It was the inalienable right of revolution which South Carolina attempted to exercise.\*

We have seen that down to this time there had been a progressively diminishing ratio of slave to free colored and white population; and it may be observed that, as late as 1832, the gradual abolition of slavery in Virginia was discussed with great freedom on a measure for that purpose being introduced by Mr. Jefferson Randolph, in the House of Delegates, which came within a few votes of being passed. Moreover, down to this time the question of slavery had been no element of the political unrest which had disturbed the country and finally broke out in the revolutionary action of South Carolina. The question of slavery had, indeed, been the subject of legislation,

\* "The forcible resistance of the States to the general Government might be as justifiable as the forcible resistance of the Colonies to England; but, in law, it would be in this case as in that, a revolution and not a mode of procedure under the Constitution."—Von Holst, *Const. Hist. U. S.*, Vol. I, chap. iv.

and it had engaged the attention of moralists, as well as of the thoughtful statesmen of the slave States. But the sole cause of the economic disturbance which produced the political revolt of South Carolina was the action of banks of issue in extending their loans and discounts, and consequently their deposits, and ultimately their issues of promissory notes to circulate as money; these notes pretending to be convertible into coin on demand, which convertibility was secured (?) by somebody's promise to pay "dollars" (not necessarily coin) to somebody (not the holder of the bank-note), at some indefinite time, at some remote place in a remote future. In short, the country was flooded with bank-notes that were in fact irredeemable by reason of their excess, so that the currency was depreciated. Consequently, the exchange turned against this country, and foreign manufactures flowed into the country in obedience to the natural law of international trade: statute law was then opposed to the natural law, and heavy duties were laid with the futile design of counteracting the law of international trade, which duties caused prices of domestic manufactures to rise still higher, which rise was maintained by increased bank issues; whereupon manufactures flowed in faster than ever. So that the only commodities that we could offer in exchange at acceptable prices to foreign markets were the products of the soil, of the fisheries, of the forest and mines, and, occasionally, when the London market needed money, coin also; which produced suspension of specie payments, that is to say, an open avowal of what had all along existed—inability of the banks to pay their notes in coin, while the "cats and dogs" pledged to secure redemption were equally inconvertible into coin except at a sacrifice to which the banks would not submit: they preferred to sacrifice their customers, and always did so, by curtailing their loans and discounts.

We have said that the division of labor is limited (1) by the extent of the market; (2) by the amount of circulating capital available for the employment of mechanical industry. It therefore follows that the condition of the currency as we have shown it to be, was such that high prices of manufactures

generally prevailed, and manufactured commodities continued to flow in, and to cease almost entirely to flow out, thus limiting the extent of the market for our own manufactures, and consequently limiting the division of labor on this account. It also follows that, the production of manufactures being discouraged by a swollen and redundant currency, circulating capital that otherwise would have been invested in that direction was devoted to agriculture, shipping and other pursuits in order to increase the production of such commodities as could be exported, or it was converted into unnecessary forms of fixed capital,\* or sunk in disastrous land speculations like the great eastern land speculation in 1837, which ruined many shrewd merchants; or like the speculation in western lands belonging to the public domain, the sales of which ran up to five millions a month, creating an excess of public revenue in the Treasury which was apportioned and partly distributed among the States, and to prevent these enormous sales the celebrated specie circular issued by President Jackson was sent out forbidding further sales of public lands for anything but hard-money.† So the division of labor was also limited on this account, and the progress of manufacturing industry retarded, and the otherwise rapid advance of freedom and civilization arrested.

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\* All increase of fixed capital at the expense of circulating capital—that is to say, excessive and rapid conversion of circulating into fixed capital, is always disastrous for the time being, but not likely to occur under healthy, economic conditions. — See J. S. Mill, *Principles of Political Economy*, Book I, chap. vi.

† The great demand for public lands arose from several causes. First, the price of public lands was fixed by law at \$1.25 per acre; consequently, while the price of commodities rose, the price of land could not rise, and capital was diverted to investment in land. Secondly, the price of cotton rose higher relatively than other commodities, because it was not subjected to foreign competition like other commodities, and consequently its production was most profitable; it rose from six to ten cents per pound; between 1833 and 1834 it was over eleven cents; in 1835 the lowest price was fourteen and the highest price twenty cents; during 1836 it fluctuated between twelve and twenty cents; in 1837, during the panic, it fell to eleven and fifteen, and eight and twelve cents. This great rise in the price of cotton, while it could not be affected by competition, created a great demand for cotton lands in the new slave States, Alabama, Arkansas, Florida, Louisiana, Mississippi and Tennessee, whose slave population increased during the decade 1830-1840 more than eighty per cent., while the slave population of the old slave States, Delaware, Maryland and District of Columbia, increased during the same time less than six per cent.

There was an extraordinary demand created by the same cause at the same time for the products of slave labor for export, such as cotton, tobacco, naval stores and rice, and consequently great inducements for the extension of slavery, and great facilities for borrowing money (the excess of which could find no other profitable employment) at the North and in foreign countries by the southern planters on the security of their crops and even on the slaves themselves, for the purchase of slaves,\* which encouraged slave-breeding: all these influences in obedience to natural law *forced* the extension of slavery, and destroyed all community of interest and feeling between the North and the South, notwithstanding every other influence in the opposite direction. Three-fourths of the produce of the South being exported, foreigners were the best customers of the South.

At the same time, South Carolina, baffled in her revolutionary designs by the suppression of nullification, saw that it was necessary for the South to acquire more political power in order to extort that justice which was her political right, or to effect political separation, peaceably if she could, forcibly if she must. Consequently, there followed the admission of Arkansas as a slave State, the war with Mexico and the annexation of Texas as a slave State,† the repeal of the Missouri Compromise, and the struggle over Kansas and California. Thus, and only thus, was the institution of slavery

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More than \$50,000,000 were borrowed in London by the new slave States on the security of State stocks to be used for bank capital, and loaned to planters and others. The security for these loans was the land of the plantations and also the slaves with their unborn posterity. Capital also came from the free States for this purpose. "How was it possible not to call cotton 'king,' and to fall into the delusion that the limits of his kingdom could not be too wide?" The cotton crop rose between 1833 and 1837, from 1,070,438 bales to 1,422,968 bales, and the entire increase came from the new slave States.—See Von Holst, *Constitutional Hist. U. S.*, Vol. II, pp. 179-189.

\* The money obtained from the sale of bonds, most of which bore six per cent. interest, was employed in the establishment of banks which loaned it to planters chiefly at eight per cent. Not only the plantations, but even the slaves and their posterity served as security for such loans—the plantations in Florida, for instance, at the rate of eight dollars an acre, and the slaves at three hundred and fifty dollars each.—*Constitutional Hist. U. S.*—Von Holst, Vol. II, p. 184.

† Had the United States not annexed Texas, it would have become a dependency of Great Britain. British diplomacy was at work to accomplish that purpose.—See Von Holst, Vol. II, p. 637.

changed from its proper treatment as an economic question to be improperly judged as a moral and political question,\* and became the firebrand which finally lighted the flames of civil war.

It is very important to the philosophy of this discussion to observe that down to 1830 the abolitionists, as a sect, were unknown; that down to this period, also, free colored persons, otherwise qualified, were allowed to vote in some of the slave States. The South was alarmed at the danger of slavery. Governor Hayne, of South Carolina, in his message to the legislature in 1833, observed that "a state of military preparation must always be with us a state of perfect domestic security. A profound peace, and consequent apathy, may expose us to the danger of domestic insurrection." A member of the Virginia Legislature exclaimed: "Life becomes a burden if men are forced to lock their doors at night, and open them in the morning to receive their servants to light their fires, with pistols in their hands." And again: "Tax our lands, vilify our country, carry the sword of extermination through our now defenceless villages, but spare us, I implore you, spare us the curse of slavery, that bitterest drop from the chalice of the destroying angel." Marshall, touching the real and essential evil of slavery, said, that for the slave's sake the abolition of slavery was not at all desirable; "but it is ruinous to the whites; retards improvement, roots out an industrious population, banishes the yeomanry of the country, deprives the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and support.† This evil admits of no remedy, it is increasing and will continue to increase, until the whole State will be inundated with one black wave covering her whole extent, with a few white faces here and there floating on the surface."‡

It is not too much to say that, at this critical juncture in

\* Montesquieu lays down the rule of conduct in dealing with great public questions by saying: "We must not judge by moral law when we should judge by civil law; we must not judge by civil law when we should judge by political law; and we must not judge by political law when we should judge by natural law."

† That is to say, it destroyed the division of labor.

‡ Wilson, *Rise and Fall of the Slave Power*, Vol. I, p. 201.

our national life, had there been a return to those fundamental principles of the Constitution which characterize that instrument as a most careful embodiment of precepts drawn from the experimental philosophy of political science,\* had the destruction of banks of issue been effected, and had a scheme of taxation been devised measurably equal in its incidence, protective of manufactures and therefore scientific in theory as well as democratic in its effect, and consequently productive of revenue to the public treasury, the community of interest between the North and South would have been established, a community of feeling—"the unsuspecting confidence which is the true centre of gravity amongst mankind"—would have followed, and, probably within a few years, the border States, including North Carolina, would have become actual or prospective free States, and the advance of civilization and freedom would have gone on without bloodshed. But, unfortunately, a new and a fatal element appeared.

The abolitionists commenced their political action in 1835. They were divided into four classes, the most extreme of which was composed of men who repudiated their political obligations,† and who were determined to "wage an unrelenting

\* "The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science; because the real effects of moral causes are not always immediate, but that which in the first instance is prejudicial may be excellent in its remoter operation, and its excellence may arise even from the ill effects it produces in the beginning. The reverse also happens; and very plausible schemes, with very pleasing commencements, have often shameful and lamentable conclusions. In States there are often some obscure and almost latent causes, things which appear at first view of little moment, on which a very great part of its prosperity or adversity may most essentially depend. The science of government being, therefore, so practical in itself, and intended for such practical purposes, a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be, it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again without having models and patterns of approved utility before his eyes."—Burke's *Reflections on the Revolution in France*.

† In May, 1844, the American Anti-Slavery Society, at its yearly meeting, proclaimed the principle, "No community with slave-holders," and rejected the Constitution as "a covenant with death, and an agreement with hell." In August, 1843, the liberty party had held a National Convention in Buffalo, in which all the free States, with the exception of New Hampshire, were represented. In the Committee on Resolutions, the clergyman, John Pierpont, of Massachusetts, moved that they should formally absolve themselves from



war, asking no quarter and giving none," in order to effect the *immediate* emancipation of the slaves. Unable to perceive that it was from the breach and not the observance of the Constitution whence slavery drew its sustenance and growth, they denounced the Constitution itself as "a covenant with death and an agreement with hell;" they wanted "no Union with slave-holders;"\* they circulated through the mails inflammatory appeals to the passions of the slaves, in prints and in various sorts of publications calculated to excite them to insurrection and murder.† Societies, individuals and foreigners were engaged in this work, which was injurious to the slaves because it subjected them to restraints that otherwise were unnecessary. Ministers of the Gospel dragged the pulpit down to a level with the hustings and became busily engaged in kindling the fires of hate in the human heart;‡ the poets found a profitable theme for versification, the politicians a stalking-horse to power.§ The South, already stung

obedience to the provision of the Constitution in relation to the surrender of fugitive slaves, and the Convention adopted it without a discussion (Von Holst, Vol. II, pp. 537, 538). The language of the resolution was as follows: "To regard and treat the third clause of the Constitution, whenever applied to the case of a fugitive slave, as utterly null and void; and consequently as forming no part of the Constitution of the United States, whenever we are called upon or sworn to support it." And yet, Abraham Lincoln, in his inaugural address, affirmed the constitutionality of the fugitive-slave law, acknowledged his obligation, and avowed his determination, to enforce it.

\* In February, 1842, J. Q. Adams presented a petition in the House of Representatives from citizens of Haverhill, Massachusetts, requesting Congress to take, without delay, steps towards a peaceable dissolution of the Union. In March, 1842, Mr. Giddings, of Ohio, presented a petition from Austinburg, Ohio, praying for a dissolution of the Union.

† See President Jackson's Annual Message, December 2, 1835, calling the attention of Congress to those attempts to produce all the horrors of a servile war.

‡ "No sound ought to be heard in the church but the healing voice of Christian charity. The cause of civil liberty and civil government gains as little as that of religion by this confusion of duties. Those who quit their proper character to assume what does not belong to them are, for the greater part, ignorant both of the character they leave and of the character they assume. Wholly unacquainted with the world in which they are so fond of meddling, and inexperienced in all its affairs, on which they pronounce with so much confidence, they have nothing of politics but the passions they excite. Surely the church is a place where one day's truce ought to be allowed to the dissensions and animosities of mankind."—Burke, *Reflections on the Revolution in France*.

§ Is there not some truth in what Mr. Calhoun said: "Be assured that emancipation itself would not satisfy these fanatics—that gained, the next step would be to raise the negroes to a social and political equality with the whites;

by a sense of injustice and tyranny, and keenly sensible of the inflammable nature of her social structure, was goaded to desperation. She maintained the political warfare within the Union, and, exasperated by the abolitionist's crusade, returned hate for hate, during all of which time the institution of slavery was taking deeper root and acquiring greater political strength. But the North was outstripping it in the race for power. Finally, the election of 1860, turning almost entirely on the slavery question, excluded from the South the possibility of living in peace with the North. Separation was resolved upon under the name of secession, which, like nullification, was and is constitutionally absurd; and, moreover, it possessed not the attraction of novelty, for it had been threatened in the Massachusetts Legislature in 1811,\* and at the Hartford Convention a little later.† It would have been more respectable for the South to have rested her case upon the inalienable right of revolution; and, if the written Constitution were to be violated, as it unquestionably was, to have stood upon the terms of the Original Contract which is not written on parchment, nor yet on the leaves or barks of trees, which preceded the use of writing and all the civilized arts of life,—which affirms that government rests on the consent of the governed and can have no other foundation; that all men are born equal, and owe allegiance to no prince or government unless bound by the sanction of a promise; that this promise is always understood to be conditional and imposes on them no obligation unless they meet with justice and protection from the sovereign; that these advantages the sovereign promises in return, and if the sovereign breaks, on his part, the articles of agreement, the subject is absolved from his allegiance.‡ But the South was debarred from this plea, for she was aiming to set up a new government founded on the denial

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and that being effected, we would soon find the present condition of the two races reversed. They and their northern allies would be the masters and we their slaves."—Calhoun, *Works*, Vol. II, p. 635; quoted by Von Holst, Vol. II, p. 271.

\* On account of the purchase of Louisiana by Mr. Jefferson.

† On account of the embargo and war with Great Britain of 1812.

‡ Hume's Essay on *The Original Contract*.

of liberty, on the affirmation of principles directly opposed to the Original Contract. Slavery was to be the basis of the new social system. The stone which the builders of the Constitution rejected was to become the head of the corner † in the New Jerusalem. The South went into a hopeless struggle; for while slavery was, from the economic point of view, immensely stupid, and as obsolete in the conditions of modern civilization as the mail-coach, it had merited the reprobation of mankind and the displeasure of God. The odds, therefore, were tremendous, and to face them it required a degree of courage which, in a less detestable cause, would have commanded admiration and deserved success.

The result proved the soundness of Mr. Jefferson's belief that this is the strongest government on earth. It also emphasized Mr. Webster's prophetic warning: "Overthrown by direct assault, it cannot be: evaded, undermined, nullified, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust, faithfully to preserve, and wisely to administer it." This prophetic warning of Mr. Webster is full of meaning to us now, for the political edifice that withstood the direct assault of its avowed enemies, is yielding to the insidious encroachments of its professed friends.

GEORGE A. POTTER.

## APPENDIX.

For the purpose of showing the nature of our foreign commerce, we give the analysis of the business for the fiscal year ending June 30, 1860, which was not an exceptional year.

Declared value of total imports, including specie.....	\$370,714,076
Declared value of total exports, including specie.....	400,122,296
Apparent excess of exports.....	\$29,408,220

† Speech of Alexander H. Stephens at Savannah, March 21, 1860.

It is supposed that the undervaluation of imports equalled this apparent excess of exports, thus balancing the figures and showing neither profit nor loss on the year's business, so far as figures are an indication. It should be observed, however, that when a nation is doing a profitable foreign trade the real value of imports, *if they are paid for*, must exceed the real value of exports, if there is no foreign debt or interest account to be settled. The imports consisted of—

General merchandise .....	\$182,205,571
Manufactures.....	179,958,370

The imported manufactures consisted of—

Cotton textiles.....	\$32,559,024
Flax and linen textiles.....	10,736,335
Silk textiles.....	34,301,796
Woollen textiles.....	37,936,945
Laces, embroideries, etc.....	4,017,675
	<u>\$119,551,775</u>

The remainder of the manufactures imported consisted of various articles manufactured of hemp, iron, steel, leather, jewelry, plated ware, tin, porcelain and china-ware, wines and spirits, etc., etc., the whole quantity of which was unproductively consumed.

Of the imports productively consumed we may mention sugar, tea, coffee, molasses, spices, fish, fruits and dried fruits, salt, and all forms of food; also raw materials, such as wool, flax, hemp, jute and coir, copper, iron, lead and other metals, indigo, madder and other dye-stuffs, chemicals and drugs, linseed, hides and skins, rags, coal, bleaching-powders, etc., etc. The whole imports being classified as—

Productively consumed.....	\$182,205,571
Unproductively consumed.....	179,958,370

Exports consisted of—

Manufactures of cotton goods.....	\$10,934,796
Manufactures of hemp and flax.....	1,243
Manufactures of bags, etc.....	2,657
Manufactures of wearing-apparel.....	525,175
Other manufactures, wood, iron, tobacco, etc.	28,315,295
Total manufactures exported.....	<u>\$39,779,166</u>

Exports, exclusive of manufactures, were—

Products of the sea.....	\$4,156,480
Products of the forest.....	13,738,559
Produce of agriculture.....	49,475,821
Raw produce.....	1,355,391
Unmanufactured tobacco.....	15,906,547
Cotton .....	191,806,555
	<u>\$276,439,353</u>

Net excess of coin and bullion over imports. \$57,996,104

Foreign merchandise reexported..... \$17,333,624

*Carried forward*..... \$119,551,775

*Brought forward*..... \$119,551,775

Adam Smith remarks : " There is another balance, indeed, which has already been explained, very different from the balance of trade, and which, according as it happens to be either favorable or unfavorable, necessarily occasions the prosperity or decay of every nation. This is the balance of the annual produce and consumption. \* \* \* The balance of produce and consumption may be constantly in favor of a nation, though what is called the balance of trade be generally against it." \* Applying, therefore, this criterion to our foreign business for the year, we find the—

Value of foreign manufactures unproductively consumed in the United States.....	\$179,958,370
Value of American manufactures unproductively consumed abroad,	39,779,166
Balance of consumption against the United States in manufactures,	\$140,179,204
Value of foreign merchandise productively consumed in the United States.....	\$182,205,571
Value of American merchandise productively consumed abroad..	276,439,353
Balance of consumption against the United States in raw materials, food, etc.....	\$94,233,782
Total balance of consumption against the United States.....	\$234,412,986

Here, then, is the result of seventy years of protective legislation for the purpose of excluding foreign manufactures and encouraging home manufactures : the latter half of this period were years of bitter sectional strife culminating in civil war. Here is the result of the system which, with exquisite irony, was called *The American System*. This is the system, the imposition of which upon a protesting people produced the most stupendous civil war in modern times, and finally released four millions of colored people from one form of bondage and joined them with forty millions of white people in subjection to another and a more ingenious and wicked system, with a different set of masters, in whose breasts no sentiment of public justice or public morality seems to dwell.

There is no question but that a metallic currency without any protective legislation whatever would have produced better results. There is no question but that a metallic currency, absolute free-trade in the most radical sense of the term, and direct taxation for revenue—the slave-holding States, in conformity with the Constitution, paying direct taxes according to representation in Congress based on three-fifths of the slaves together with the whole of the free population †—would have extinguished slavery before the seventh decade of the century had dawned, and left our manufactures and our foreign trade in a better condition than they really were. Is it said that home manufactures have grown to a vast extent ? The answer is that they have grown notwithstanding bad government. An abundance of free natural agents, cheap food, the inexhaustible bounty of a beneficent Creator in every conceivable form, with an ocean barrier in front of us and behind us, with no public debt of consequence, with inex-

\* *Wealth of Nations*. Book IV, chap. iii.

† Constitution, Art. I, section 2, clause 3.

pensive civil and military establishments—these were advantages which even banks of issue and politicians combined could not wholly overcome. The sheer force of matter had overcome the ignorance and cupidity of man. It should be borne in mind that indirect taxes are taxes on consumption, and, since there can be no production without antecedent consumption, enhance the present cost of production when applied to articles productively consumed; but direct taxes are taxes on income, and, while injurious, do not enhance the present cost of production. It is quite true that manufacturing industry cannot be extended faster than the requisite increase of circulating capital will allow, but it is equally true that the circulating capital which had been sunk in land speculations and in promoting the system of slavery, could and would have been used for the extension of manufactures had not banks of issue prevented, by flooding the country with paper, thus raising prices and enhancing the money cost of production. And it is consequently true that but for banks of issue, circulating capital would have increased much more rapidly than it did. It has been observed by Hume, that “when any commodity is denominated the staple of a kingdom, it is supposed that this kingdom has some peculiar and natural advantages for raising the commodity; and if, notwithstanding these advantages, they lose such a manufacture, they ought to blame their own idleness, or bad government, not the industry of their neighbors.” If, therefore, the United States is not the chief cotton-manufacturing nation of the world today, it is because of bad government. We have not only exported three-fourths of the staple commodity in its raw state, but, as we have shown, imported nearly thirty-three million dollars’ worth of cotton manufactures in one year—not an exceptional year (1860).

That indirect taxation under the name of protection, in the presence of a swollen and redundant circulation, not only does not protect, but actually injures manufactures, is shown to be true by the course of our foreign trade since the civil war closed; for, under a tariff which may be considered a curiosity of proscription, we have incurred a foreign debt of vast proportions, which is increasing at irregular intervals, on account of manufactured goods unproductively consumed and not paid for.

GEORGE A. POTTER.

## ART. III.—THE POVERTY OF THE PEOPLE.

THE poverty of the people, not only in the acute but in the chronic form also of the disease, is a very great evil, in such sense that it ought to be made a prominent and emphatic part of policy, both social and individual, fully to avail of the legitimate, practicable and efficient means tending to its cure or progressive diminution.

Whatever may be the case after death, it is certain that in this life man is intimately and inevitably dependent upon the physical environment for conditions and materials essential to existence. And so far from this dependence obtaining only in respect of the purely physical functions, the truth is that it increases in extent and complexity just in proportion as, by the progress of civilization, human life becomes farther and farther removed from the merely animal. As to both the variety and the amount of the tribute levied upon nature, the civilized man far exceeds both the savage and the barbarian. And, furthermore, *pari passu* with the development of his capacity for more varied, higher and longer enjoyments, there grows up a feeling of absolute need of them, in such wise that for him it becomes oftentimes even a greater hardship to refrain from one of these acquired functions than for a savage to be without sufficient food or shelter. In a certain sense, we may say here that *noblesse oblige*.

But the more elaborate necessities which civilization introduces, civilization does itself, within limits, enable man to satisfy; indeed, we may perhaps safely say that it is only by being first experienced as satisfactions that they ever come to be felt as necessities. We shall see hereafter, it is true, that it is only in speaking broadly that we can truly affirm that



civilization enables man to obtain from nature the conditions and materials essential to the complex existence which civilization teaches him to require. There are limitations, some of which may be hinted at by saying that the proposition is truer of man (in the abstract) than it would be of *men*, considered severally. And it may even be that the whole truth of the case is contained in the narrower proposition, that in so far as men are enabled at all to obtain the conditions in question, in something like the desirable degree, it is from civilization that they derive the ability.

However this may be—for this is not the place to discuss the point—the important fact remains that, none the less for such progress as he achieves, but rather the more in proportion thereto, man has needs which it is highly desirable that he should satisfy, and the satisfaction of which involves the more or less permanent and exclusive appropriation, for the purpose, of given portions of the material universe, more or less consciously or artificially altered, or transported, to that end. “Cast a look on the natural and artificial productions of all the regions of the earth; consider how they have become, one here, another there, articles of necessity for man.” (Werner, in *Wilhelm Meister*.)

Of the simple materials, in the state and position in which nature yields them, the scope or sphere is comparatively restricted, as respects the satisfaction of human wants,—with a single but important exception in the case of *land* (which here includes woods, waters, caves, and so forth) in so far as the land is available even independent of artificial alterations thereof or additions thereto. Even as to land (in its present sense), it is still the fact that only while men remain in a very primitive condition can their wants be adequately provided for without the aid of human labor having for its aim the procurement, in the situation, shape and condition in which they will be useful, of the various portions of matter required.

At first, while wants continue still to be comparatively few and simple, it is possible, as a rule, for each man, under ordinary circumstances, to do for himself all that is necessary in respect both of modification and transportation. Gradually,

however, as wants increase in number, variety and complexity, it becomes practically impossible for each one to acquire all the arts and do all the work and the journeying involved in the direct procurement of the quantity and variety of useful objects essential to his adequate existence and progress. In proportion as this occurs, there emerges "the one characteristic peculiarity of the economical life of man," *i. e.*, the *division of labor*. "Particular goods, needed by the whole community, are made by special makers, and they are distributed to those who require them for use, that is, to consumers, by the makers obtaining from each other what they want for their own needs. The baker makes bread for the town, and he gets from the hatter, the grocer, the tailor, the supply of his wants." The power of buying consists "in goods to give in exchange; with the exception of a relatively small amount of articles previously made, in commodities produced for the very purpose of being exchanged with one another." "The means with which every man buys are (with the exception already named) his *income*, and incomes, be they rent, profits, wages or dividends, are nothing else but the share each man obtains of the commodities produced." (*Bonamy Price*.) Each one's power to buy, accordingly—or, in other words, his wealth—consists of such portion of his income (of the given, or of previous, years) as at the given time he still has by him, *unspent*. This is of course dependent, as to amount, upon the amount by which his total income has exceeded his total expenditure, and will vary whenever income and expenditure are unequally diminished or increased. These two determinants are very different for different classes and individuals. Income, or "the share each man obtains of the commodities produced," is by no means the average or equal share, for the aggregate of commodities produced is not at all evenly distributed. Thus, David A. Wells has shown *first*, that, according to the census of 1870, the total aggregate of incomes in the United States was within \$7,000,000,000, which, divided among 40,000,000 of people, would yield as the average, share only \$175! *Second*, that as an actual fact the division was so unequal, that, while some received "this average share multiplied by hundreds or

even by thousands," large classes of the people secured less than \$100 each! But though equality be not the principle of distribution, we find that there is a principle which, though its operation is undoubtedly interfered with in practice by fraud and violence in their various forms, does yet upon the whole, or for the most part, determine the proportions in which the commodities produced are distributed among, or belong to, the various persons whose incomes they constitute. That principle distributes products in about the proportion in which the elements essential to their production—labor, capital and land—have been respectively contributed by the participants. The right to share at all in the results of production is almost exclusively based upon the given individual's personal contribution to production, of either capital, land or labor; and, moreover, the quantity of such results which those who do share respectively receive, is on the whole quite definitely proportioned to the degree in which they have respectively so contributed. Rent is the return on land; profit and interest the return on capital (the former, when the capital is *invested*, the latter when it is only *lent*); wages, lastly, are the reward of labor. The proportionateness here asserted, however, is a quite special and intricate one; the proportion of reward to contribution being the same only for things of the same sort, quality and availability. Thus, if one man contributes *two* acres of land, and another, *one*, all being of one quality and uniformly well-located, the two-acre man would, as a rule, command twice as much rent as the one-acre man. But if the plots differed in quality or location, the rent would no longer be proportioned to quantity, but might even equal or exceed for the smaller plot the rent of the larger one. So, too, capital and land and labor are so incommensurable that it is impossible to tell what quantity of the one corresponds to a given quantity of the other, so as to determine whether they all receive the same proportion of reward.

But as respects this contribution to production (which contribution, as we have seen, is the basis of the right to share in the results), the various individuals composing the community differ very much. Some contribute all three of the requisites

mentioned,—land, labor and capital, and receive rent, wages, interest, and profit; others contribute capital and land, or capital and labor, or land and labor (as the case may be), and receive the corresponding kind and quantity of income. Again, some contribute only one of the elements indicated, and receive the one income answering to it. Limited classes in the community contribute so great or so valuable a quota of some one or more of the requisites, as to be thereby put in receipt of large incomes, variously constituted of profit, interest, rent or wages, or of two or more of these. Larger and larger classes of people contribute less and less largely or effectively, and accordingly command only correspondingly smaller incomes. We thus, by degrees, arrive at a class which in most countries sooner or later embraces a large proportion in the entire population—so large a proportion, that it is constantly referred to as “the people”—the members of which can contribute only labor, and that, too, of a sort which frequently can be performed at the given time by, and is the only available dependence of, many more persons than are needed to do the amount of that kind of work required for the then actual scale of production. Under these circumstances it happens that now this and now that set of individuals belonging to this class and varying in number with the variations in the scale of production, fail to find employment, while those who are employed command (even for excessive, disagreeable, or dangerous work) only the pittance to which wages are reduced by the desperate competition men engage in to save themselves from falling into the ranks of the unemployed. For, to be unemployed, when one belongs to the class in question and so has neither land nor capital to contribute to production, is to be in receipt of no current income, having at the same time no appreciable accumulations to fall back upon. And even in the rare cases where something has been laid by, the accumulation, so long as it is not large enough to constitute, *as capital*, a source of sufficient income, but must be eaten into to be availed of at all—so long, I say, the accumulation does not withdraw the owner from among the competitors for employment.

Occasionally the inadequacy of the actual scale of production to furnish remunerative employment to those having little or no other ground than labor for sharing in distribution, becomes so marked that not only is there a large number of persons unable, for the time being, to obtain any employment at all, but also a falling off in wages, such that even those who are employed fall far short of being adequately provided with the means wherewith to purchase necessities. Such a state of things exemplifies the *acute* form of the poverty of the people; a disease which is strictly analogous, for the body social, to what in the individual body is known as *anæmia*, or insufficiency or poverty of the blood.

The evils of such a critical or acute stage of the disease are so intense, quickly-developed and wide-spread, that their occurrence commands universal attention, their origin and causes are discussed and studied into, and they themselves are distinctly recognized and held as symptoms or incidents of a malignant disease, of which the best practicable cure or mitigation it is of the utmost importance to discover and apply.

But in respect of that less intense stage of poverty of the people, which is a *chronic* stage, and which differs from the acute only in degree, most persons seem hardly to be aware that it, too, involves evils which should be intolerable, save to the resignation borrowed from despair. For the most part, people never fully realize that *the existence of the majority in absolute and direct dependence upon current wages*—their existence, that is, in the “hand-to-mouth” condition—is itself disease, and disease of an insidious and destructive type. It is only or chiefly when—in consequence of some unusual destruction of property through waste, accident or necessity—the poverty of the people becomes so aggravated as seriously to diminish their purchasing power, thus affecting markets, and impairing the incomes of other classes, that there is thought to have arisen any occasion for diagnosis and prescription.

But the opinion here to be maintained impugns this, the popular attitude upon the subject, as being at once based on error and mischievous in result. Based on error, inasmuch as

its assumption of the tolerableness, if not satisfactoriness, of the *status quo* is emphatically a mistaken one; and mischievous in result, inasmuch as its being held prevents an adequately zealous search for, and application of, the means by which it might be practicable to diminish or remove the evil.

That that stage of the poverty of the people which we have referred to as chronic, and which consists of the existence of the majority in absolute and direct dependence upon current wages, is so dreadful an evil that it ought to be endured only in the degree in which it shall have proved impossible to cure it, might well be assumed as too clear for argument, were it not for the astounding fact that few seem to be aware of it, while still fewer show any signs of its adequate realization.

In a recent essay on *State Socialism*, Mr. George Jacob Holyoake calls attention to the following surprising fact: "The rich, as a class, are not averse to the dependence of the poor. Patronage is pleasing to them, and ministers to their influence. The extinction of pauperism, which they believe they desire, would fill them with dismay if it were likely to take place. They only object to charitable gifts when they become too expensive; but they have a permanent objection to [enabling] the poor to obtain a position absolutely independent, and hesitate to afford them the means of becoming so by obtaining for them fair legal facilities of supporting themselves, which they fear would give the people the airs and importance of equals, when their education would be no longer regulated and limited by their superiors, and their politics and religion would cease to be dictated by their 'pastors and masters.'" And readers of Mill's *Political Economy* will remember passages corroborative of Mr. Holyoake's opinion.

Half in this class (of positive objectors) and half in the class which simply ignores our view, are those whom Prof. Cairnes refers to in the following language:—" \* \* \* Patrons of the laboring classes who encourage an exclusive reliance on trades-unionism, and would advance their interests by confining them to their present *role*. It was the opinion of M. Comte, as it is that of his disciples, that the true idea of industrial

society—the goal toward which all reforming effort should be directed—is a more and more definitive *separation* of the laboring and capitalist classes. The proper model for our industrial organization, according to them, is an army in which the capitalists are as the captains, and the laborers are as the rank and file.”

Beyond these, again, are those (constituting the largest class of all) who, without consciously *preferring* that the masses should continue in their present absolute lack of capital, have simply taken it for granted that they will so continue, and have accordingly recognized no problem save that of the specific improvement of wages, thus wholly ignoring the problem of capitalization, here to be formulated. In point of fact, few have bethought themselves that perhaps more may be done by way of bringing a daily-increasing proportion of the people into the class receiving capitalistic incomes than by the way so persistently attempted throughout history, of artificially altering the relative sizes of the wages-income and the capitalistic ones. But, as I say, to the majority our proposition would seem not so much untrue as futile. To them it seems as idle to posit the desirability of “general capitalization” as to descant on the utilities of the philosopher’s stone. Thus, Prof. Walker, commenting on Cairnes’ advocacy of capitalization, rather impatiently remarks: “What is this industrial panacea? Why, the laborers are to become capitalists. A most felicitous result, truly; but—how is it to be accomplished?” This formidable question of ways and means we shall have to consider later on: at present we are concerned only to note that the very large and important class, whom Walker fairly represents, though from their exclusive attention to wages they might have been supposed to attach but little value to capitalization, in fact, agree with us that the latter would be “a most felicitous result, truly,” but simply assume (with only too much apparent ground) that the attainment of that result is simply out of the question. At present, at any rate, we have not to reckon these among our adversaries, and we are left at liberty to confront our only real opponents in this part of the case,—the conservative “rich” accused by Mr. Holyoake and the Comtists and others referred



to by Prof. Cairnes. Even as to these, indeed, we are not quite sure that we ought to indulge in argument on such a proposition, especially as it would be neither probably feasible nor essentially important to convince these persons themselves. The real parties in interest, the classes now non-capitalistic, both could and would carry out the policy of capitalization were they once in possession of an obviously efficient *way*, even though these unconvinced conservatives and despotic theorists should sulk, like Achilles, in their tents. But, as on the one hand it would certainly do no harm, so on the other there are not wanting reasons making it prudent to offer here a brief presentation of the advantages to accrue from capitalization, assuming it to be practicable. If nothing else, a clear realization of these advantages would tend to make men less willing to remain in an uncapitalized condition, and correspondingly more critical of the grounds upon which the assumption that capitalization is impracticable has hitherto been allowed to rest unquestioned. Some such presentation, therefore, we shall attempt.

Alas! our chief difficulty, in proceeding to a survey of the evils in question, is of the sort the French refer to as *embarras de richesses*—not the lack, but the excess of material.

In the first place, the people's absolute dependence upon wages necessarily involves, in practice, their being at a terrible disadvantage in bargaining with their employers: especially in view of the fact already stated, that many more are candidates for each given kind of employment than are needed to do the amount of that kind of work required at the given time. Capital can wait, and can therefore make its own terms with laborers who have nothing to wait upon. The possibility of occasionally raising wages somewhat by trades-unions, strikes, etc., in so far as it exists, is not contradictory of this position, for trades-unions and combinations for "strikes" operate precisely by way of furnishing the striking laborers with *capital* upon which to hold out. The only question, therefore, which is raised by the trades-union system, is whether it is a means, and the only means, which it is desirable to use for the purpose of capitalizing labor.

This disadvantage in bargaining, joined to the terrible competition for employment to which the general poverty gives rise, normally results not simply in the masses securing only a miserable pittance, but frequently also in their having to earn even that pittance by work that is too severe, or prolonged, or painful, or dangerous.

The inadequacy and precariousness of the average wages-income produce in fatal abundance the dreadful crop of privation, sickness, ignorance, improvidence, physical and mental degeneracy, and, last but not least, mad and disastrous theories and attempts at cure. "Any attempt," says John Stuart Mill, "to depict the miseries of indigence, or to estimate the proportion of mankind who in the most advanced countries are habitually given up during their whole existence to its physical and moral sufferings, would be superfluous here. This may be left to philanthropists, who have painted these miseries in colors sufficiently strong. Suffice it to say that the condition of numbers in civilized Europe, and even in England and France, is more wretched than that of most tribes of savages who are known to us."

"Since the human race," says the same author, "has no means of enjoyable existence, or of existence at all, but what it derives from its own labor and abstinence, there would be no ground for complaint against society if every one who was willing to undergo a fair share of this labor and abstinence, could attain a fair share of the fruits. But is not the reverse the fact? The reward, instead of being proportioned to the labor and abstinence of the individual, is almost in inverse ratio to it: *those who receive the least, labor and abstain the most*. Even the idle, reckless, and ill-conducted poor, those who are said with most justice to have themselves to blame for their condition, often undergo much more and severer labor, not only than those who are born to pecuniary independence, but than almost any of the more highly remunerated of those who earn their subsistence; and even the inadequate self-control exercised by the industrious poor costs them more sacrifice and more effort than is almost ever required from the more favored members of society. The very idea of distributive justice, or of any proportionality between success and merit, or between success and exertion, is in the present state of society so manifestly chimerical as to be relegated to the regions of romance. It is true that the lot of individuals is not wholly independent of their virtue and intelligence; these do really tell in their favor,

but far less than many other things in which there is no merit at all. The most powerful of all the determining circumstances is birth. The great majority are what they were born to be. Some are born rich without work, others are born to a position in which they can become rich *by* work, the great majority are born to hard work and poverty throughout life, numbers to indigence. Next to birth the chief cause of success in life is accident and opportunity. When a person not born to riches succeeds in acquiring them, his own industry and dexterity have generally contributed to the result; but industry and dexterity would not have sufficed unless there had been also a concurrence of occasions and chances which falls to the lot of only a small number. If persons are helped in their worldly career by their virtues, so are they, and perhaps quite as often, by their vices: by servility and sycophancy, by hard-hearted and close-fisted selfishness, by the permitted lies and tricks of trade, by gambling speculations, not seldom by downright knavery. \* \* \* It cannot be pretended that honesty, as a means of success, tells for as much as a difference of one single step on the social ladder. The connection between fortune and conduct is mainly this, that there is a degree of bad conduct, or rather of some kinds of bad conduct, which suffices to ruin any amount of good fortune; but the converse is not true: in the situation of most people no degree whatever of good conduct can be counted upon for raising them in the world, without the aid of fortunate accidents."

The fact is, that, by reason of the absolute dependence of the majority upon wages, it comes to pass that the proper rule is exactly reversed, and those who do the most disagreeable or exhausting or harmful sorts of labor, instead of receiving the best incomes, receive pay at so low a rate that they have to work much longer at their undesirable labor to earn bare living wages than others have to work at comparatively easy and agreeable labor to earn immensely better incomes.

Secondly, this chronic non-accumulation of capital by a great portion of the community frequently results in certain kinds of persons being left with no other resource than wages, in whose case such dependence is a great evil not only to themselves but to society at large.

Women, the young, the aged, the sick, the physically or mentally disabled, are classes whose exposure to the hardships, vicissitudes and dangers of the hand-to-mouth condition is obviously a great public evil, and as to them it cannot be contended for a moment that the wages-income constitutes an

adequate or satisfactory provision. And to them, in this respect, must be added the class whose capacities, though not at all of the wage-earning sort, are yet so fraught with potentialities of wide-reaching and great public utility that it is ill indeed for society when it is true of them that—

“Chill penury repressed their noble rage.”

Hurrying on—for illustration of these points would lead us into too great detail and length of exposition—we arrive at the third head of this hideous hydra, of the chronic poverty of the people.

Thirdly, then, the absolute dependence of the masses upon wages makes it impracticable for society to attain to the advantages of wealth as fast and as far as would otherwise be possible, without still further sacrificing to its progress the well-being (poor enough at best!) of the unfortunate workers.

This is an important point and should be carefully considered.

The fact is, that the progress of invention, discovery, and industrial organization inevitably tends to reduce the amount of human labor needed to satisfy any given degree of efficient demand for commodities. This tendency, which would be as great a blessing to the working-classes as to the rest of the community, were it not for their absolute dependence upon wages and their tendency to increase faster than the demand for labor, does, nevertheless, so long as these two circumstances operate, undoubtedly aggravate the natural precariousness and insufficiency of wages.

It is a self-evident proposition that, other things being equal, industrial improvements which are really “labor-saving” *do* diminish the amount of labor needed to supply any given degree of “efficient” demand, so that unless we can count upon an *increase* of the efficient demand such as shall counter-balance the economy of labor due to the improvements, there will be less employment for those who depend upon it for their only income. But it has been claimed that society is insatiable in its demand for labor. Prof. Cairnes argues as follows:

“The work which society has to do is not a fixed quantity. On the contrary, it is absolutely indefinite and practically

unlimited : indefinite, as varying with human wants and desires ; and practically unlimited, because always far in excess of what human hand can accomplish. I am speaking now of society \* \* \* as we know it in Western Europe and the United States, after civilization has kindled those insatiable aspirations and created those innumerable needs which distinguished the civilized from the uncivilized man. In society, when it has reached this point, there is no practical limit to the *desires* of human beings, nor therefore to the quantity of work which they would *wish* to have done. \* \* \* Benevolence and public spirit, the interests of science and literature, would become powerful and exigent, as the tastes for mere physical luxury and personal indulgence or aggrandizement declined, and would rapidly create wants to take the place of those which would be no longer left. \* \* \* So much labor and capital are relieved from the tasks formerly required of them, and set free for the performance of new work, for the satisfaction of cravings hitherto unfelt."

These statements of fact are literally true, but the argument is fallacious. Prof. Cairnes' own language suggests the distinction which we would make. He says,—“there is no practical limit to the *desires* of human beings, nor, therefore, to the quantity of work which they would *wish* to have done,”—and in this he sums up the whole essence of his argument. But the trouble is that the “desires” of human beings, the “quantity of work which they would wish to have done,” are not the measure of the efficient demand for labor, unless the desires, wishes, needs, are accompanied by the possession of the wherewithal to pay for their satisfaction. “If wishes were horses, beggars might ride,” says the proverb; and this reminds me of a still more striking illustration of my position. If Prof. Cairnes is right, his argument is susceptible of this remarkable application,—that even without regarding “society” at large at all, and considering simply any one individual member of it, laborers should confidently count on a sufficient demand for labor existing. Take the writer's humble self for instance : is there any doubt but that, were “desires” enough, those which I myself presume to indulge would amply employ every one of the millions for whom the world has room? The objects which, had I the needed wealth, I would eagerly aim at, in ways involving the employment of labor, are absolutely unlimited ; yet, though capable of this range of desire, and

actually conscious of wishes which the assistance of whole generations would not suffice to satisfy, I am daily forced, in very self-defence, to harden my heart and shut my eyes and ears, lest my life be made too bitter for me by the sights and sounds which tell of poverty's despairing search for employment!

"I, whose vast pity almost makes me die," avert my head, and hurry away from outstretched hands and trembling lips, whose piteous pleading seems but the more pitiful because its eloquence appeals to willing ears but impotent hands. Shall I then, with this experience, be told that employment cannot fail, because men are insatiable in desire? I say, that it *already* falls far below what it ought to be, if the majority of mankind are to have no other resource;—and I appeal to facts.

Clearly, while the desires of men may be unlimited, the income with which to pay for their satisfaction is always very decidedly limited. It cannot be expected that so long as but a small portion of the community make it a point to increase their wealth, the total wealth available for the pay of labor shall suffice to yield an undiminished rate of wages to every member of a rapidly increasing number of would-be laborers. The fact that so many people remain too poor to buy anything but necessities, of course makes the amount of demand for commodities just so much less than it would otherwise have been, and thus limits the markets, and consequently the wealth of the accumulating classes. Even they, therefore, cannot indefinitely increase their efficient demand for labor. Their incomes can come only from the production and sale of commodities, and cannot be carried beyond the point which the markets will allow. And the markets, obviously, cannot be as good as they might be, so long as only a small minority of the population even try to add to the quantity of "purchasing power" in their hands.

David A. Wells has shown how, under such circumstances, it comes to pass that labor-saving expedients are not accompanied by a corresponding increase of the efficient demand for labor in some other direction. He says:

"The next important factor in this problem of inability to purchase and consequent lack of demand, and one which has not

hitherto received the attention [to which] its importance entitles it, grows out of, or rather in itself is, *that very increase in the power of production* which, although affecting in a greater or less degree the industrial condition of all countries, has of late probably manifested itself more remarkably in the United States than elsewhere."

After giving statistics, Mr. Wells thus sums up:

The labor of 225 persons is as effective in 1876 in meeting the demands of the country for cloth and food products as was the labor of 691 persons in effecting similar results in 1838; and as a consequence of this change in the power of production, the labor of 466 other persons has, within this time and within the special industrial sphere under investigation, been rendered unnecessary; and they have been compelled to enter (where possible) into relations with new wants and new capabilities of purchase, in order to find employment. Results similar, and possibly even more striking, are afforded by the analysis of other leading American industries. \* \* \* The changes affecting labor in trade and commerce within a comparatively recent period, consequent upon the use of the telegraph, and greatly increased facilities for transportation, have also been no less remarkable than those which have occurred in agriculture and manufactures, through the introduction and use of labor-saving machinery and processes."

For a time, however, counteracting causes prevented our realizing the fact that our efficient demand for labor was rapidly becoming insufficient to employ the laborers depending absolutely on wages. In other countries, immense standing armies, and governments otherwise costly; in our own, the war, and the reckless speculation and waste following it, hid from view the real facts, by at once withdrawing millions of workers into idle yet consuming armies, and creating for a time an abnormal and tremendous extra demand for labor.

"Under these conditions, whatever there was of labor, which under ordinary circumstances of supply and demand, labor-saving machinery and processes would have made surplus, continued to find full opportunity for employment, and the day of industrial disturbance did not come. \* \* \* But natural laws at last prevailed, and the day of industrial disturbance has at last come. Artificial stimulants to production and consumption, in the form of paper-money, irredeemable and therefore excessive; high discriminating taxes imposed to foster special industries; and extravagant ideas engendered by the war, no longer avail to stimulate; and consumption of every kind having been reduced to the requirements of almost absolute necessity, and investments of



capital in constructions looking to future and larger production having been almost suspended, the question of almost transcendent importance before the country today, is : *What disposition is it proposed to make of the labor of the country which labor-saving machinery and new methods of business have now for the first time, and under existing conditions, made manifestly surplus ?*"

Shall we answer this question by pointing, with Prof. Cairnes, to the insatiable desires of civilized society ? We might lay this flattering unction to our souls, were it not for the undeniable fact that all available incomes, and even some principal, are already as fully invested in the employment of labor as their owners feel that they can afford to invest it, in view of the fact that about all the commodities *for which there is a market* are already easily produced by the labor which is employed. As Mr. Wells points out, the progress which has made much labor superfluous has diminished the income of the laboring class, and thus still further reduced the efficient demand for commodities. This he looks upon as a very important factor of recent economical developments.

We thus see but too clearly that the people's total lack of capital sets limits to the degree of wealth and development which society can attain without disaster to the working-classes ; for their poverty implies smaller efficient markets than there would otherwise have been, thus restricting the wealth of other classes, at the same time that it makes laborers absolutely dependent upon employment which only good markets could offer them.

We thus come, fourthly, to the last express count in our indictment of the chronic poverty of the people.

That count is, that this chronic poverty contributes powerfully to the production and aggravation of commercial and industrial depressions and panics, by keeping a large proportion of consumers so near the verge of destitution, that it takes but a comparatively slight disaster (bad crops, fire, war, etc.,) to sweep them over into it, thus reducing the markets and dragging many other classes, in widening circles, into greater or less impoverishment and distress.

It is plain that a system under which a large proportion of the whole number of consumers have no income save the small

and precarious one of wages, wherewith to make their demand "efficient," must make the social body far more sensitive to disturbing causes than it would be under a more healthful system. The analogy is exact with the well-known law of the physical body, that where constitutional disease exists, a cause which might otherwise have proved innocuous, will thereby be rendered, not infrequently, seriously if not fatally injurious.

Surely, we have said enough to justify our position, that true wisdom and public spirit must seek *fully to avail* of every legitimate, practicable and efficient means to cure or mitigate this fearful social disease of poverty, no less in the chronic than in the acute form of that disease.

CHARLES FREDERIC ADAMS.

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## ART. IV.—THE FRANCHISE IN THE SOUTH.

1. *Report of the United States Senate Committee to inquire into alleged Frauds and Violence in the Elections of 1878*, with the Testimony and documentary Evidence. Vols. I-II. Washington: 1879.
2. *Congressional Record Forty-Fifth Congress, Third Session*. Washington: 1878-9.

IN approaching the most vexed, perhaps, of the many vexed questions of American politics, it is necessary, as a preliminary step, that we should endeavor to disembarass it of the exaggerations and falsehoods, the mists and cross-lights by which it has been industriously obscured. Surely, there can be no subject that more imperatively demands the patient, unwearied investigation of facts, the impartial balancing of testimony, the superiority to personal and party bias that distinguish the upright judge. A very distant approximation to this was all that the most sanguine could have hoped for, but in truth the spirit in which it has been treated might be most fitly summarized as the exact reverse of that which we have just indicated.

Upon the professional hacks and tools of party, the Tapers and Tadpoles who can see in this momentous question nothing higher than a "good cry," a golden opportunity for partisan or personal aggrandizement, we do not purpose to waste a moment. Great and small, in high or low position, they but do after their kind, and we almost fancy that we can hear their glib repetition of the world-famous plea of a wiser and wittier criminal,—"Tis no sin for a man to labor in his vocation." In the diligent pursuit of this high vocation let us leave them undisturbed today, for to-morrow it may behoove them, however reluctantly, to depart from the scene of such long-continued labors and abundant rewards and betake themselves to "fresh woods, and pastures new."

It is not to these, but to the great body of honest and patriotic citizens, who, if the issue can be fairly presented to them, will assuredly prefer the interests of their country to those of a faction, that we address ourselves; for in the ancient language of the law, *interest reipublica*,—this matter concerns the commonwealth, and in a point of vital moment.

If such a state of things as has been confidently alleged, really exists at the South, we are indeed in evil case, since there is no redress possible within the limits of the Constitution, and even if that embarrassing instrument be altogether set aside—a course by no means without strong recent precedents,—there can still be no adequate remedy except through the destruction of free institutions within the limits of the infected States; in effect their expulsion from the Union as States, and their government as provinces by the sword.

It seems sufficiently clear to need no demonstration, that if, in a community governed by universal suffrage, one segment of the people has deprived the other of all freedom in the use of the elective franchise, there exists nowhere in the system a power capable of reforming this evil, since the body which can alone undertake it is the very one standing in need of such reformation itself; and that there remains no expedient save the application of external force, a resort to which, we need hardly point out, is utterly inconsistent, not only with the Constitution of the United States, but with the first principles of popular government.

This, then, is the awkward predicament in which we find ourselves placed by the course of recent events, if the constantly repeated assertions of certain well-known organs in the press, and prominent leaders in party politics, are to be accepted as correct. We desire to state the point clearly, so that there can be no misunderstanding it. The question is not (for there is a deplorable confusion of thought on this head), whether there are abuses connected with the exercise of the suffrage at the South, nor even whether the co-occupation of that section by two different and unequal races renders such abuses more frequent and flagrant than in homogeneous communities; but whether they exist to such an exceptional extent as practically

to deprive one entire race of the right of suffrage which is nominally and legally theirs. The first proposition, *i. e.*, that such abuses exist, may be taken for granted without further investigation; for thus much, we apprehend, might be predicated with safety of every society in which the elective franchise has in any shape existed, from the ancient commonwealths of Greece down to the latest British colony.

Into the truth of the second we purpose hereafter to examine farther, contenting ourselves for the present with the remark that it might perhaps be more correctly stated thus, *viz.*: that the abnormal relations subsisting between the Caucasian and the African race have given rise, in certain parts of the South to abuses in some degree peculiar to these exceptional circumstances, but neither greater in extent nor more monstrous in kind than have often occurred elsewhere.

Conceding, however, for a moment, and solely for the sake of argument, the truth of the second proposition as originally stated, this, we repeat, is by no means the *gravamen* of the matter; this, in effect, would be no further aggravation of ordinary evils than might reasonably have been expected from the unusual circumstances, and might safely have been left for correction to a firm though temperate application of existing law, and to the curative effect of time. But this is not at all the state of things which we have been over and over again assured prevails at the South, and for which we have been repeatedly urged to sanction some extreme, though hitherto scarcely defined remedy.

If the reader will turn to the Majority Report of the Teller Committee, or, still better, to the remarkable speech delivered in the Senate of the United States by Mr. Blaine, in December, 1878, he may easily satisfy himself that we have not unduly heightened the picture drawn of the political situation at the South. The proof of this is, indeed, but too abundant. For years past the air has been rent with clamors over alleged outrages on free suffrage in that region, growing louder on the eve and fainter on the morrow of each periodical election, until in the pending contest it may truly be said to form almost the entire staple of one of the two great political

organizations into which the country is divided. It is not, however, from the point of view of its probable effect on the success of either of these that we design to consider this question. In our judgment it is matter of far too high and grave import, too deeply affecting the permanent welfare of the whole country, to be degraded into a subject of mere partisan declamation.

To return to Mr. Blaine's speech. In referring to it above, we have used the word "remarkable" advisedly, for it would be difficult, indeed, to find a parallel anywhere to this effort to base a logical conclusion, which it was actually sought to give effect to by means of legislation, upon a barefaced series of *petitiones principii*.

Certainly, if the premises be assumed, any conclusion, no matter how false or absurd, may be reached in due form, and with all the pomp of logic. But knock away a single one of the assumptions of fact upon which this rhetorical edifice rests, and the whole structure comes toppling down upon the head of its ill-advised architect.

Unquestionably, if all the negro voters at the South are *ex vi termini* republicans; if, being republicans, they must also of necessity be zealous partisans, and so anxious for the success of their candidates that nothing short of the interposition of some insuperable obstacle can keep them from the polls; and finally, if in the nature of things this obstacle can be nothing else but democratic force or fraud, then Mr. Blaine has firm ground to stand upon, and, as soon as there is leisure from the more immediate and urgent business of President-making, it will be in order to hear him farther on his proposed remedy. But all the preliminary propositions this singular logician has spared himself the trouble of establishing, by the simple expedient of taking them for granted. Were the occasion less grave and the question less momentous, we might well be amused at this facile and airy method of reaching a conclusion on difficult and disputed points. Nevertheless, if we may judge by recent indications, it is one to which the country bids fair to become accustomed in the productions of its Conscript Fathers. Nay, should it continue as much in favor with prominent members

of the upper Chamber as the late exhibition at the New York Academy of Music would incline us to anticipate, it may even have the honor of going down to posterity in the history of false and vicious systems of logic under the title of *fallacia senatoria*.\*

There is another characteristic common to this whole class of productions, which it is still more difficult to treat with gravity. We mean the *naïveté* with which the Senator from Maine and his followers give utterance to their disappointment at the failure of negro suffrage to accomplish the party objects which were anticipated from it. The negroes having been given votes for the express purpose of loyally upholding republican ascendancy, it is too bad that they should in some instances use them for its overthrow, in others abstain from using them at all, and thus permit the flank of the army they were stationed to guard to be successfully turned by the enemy. This is what certain leaders of the party, of whom Mr. Blaine may be considered a fitting representative, can by no means endure. It passes their powers of belief; they appeal to Heaven and Earth; they are sure that there must be an explanation; their calculations cannot have been thus falsified without some external interposition. Nor is this far to seek with these irate politicians. The southern whites, the ex-Confederates, the "unspeakable" democrats, have wrought this evil in the land, and for the evil there must and shall be a remedy; the negroes shall be somehow brought back to their allegiance, or deprived of the power to injure their benefactors further, in spite of the Constitution of the country and of human nature alike.

A few words as to the elaborate array of figures by the aid of which Mr. Blaine has sought to introduce a certain air of sober and business-like calculation into the midst of the sensational rants which form the staple of this curious harangue. For the figures themselves we refer the reader who may think it worth his while to examine them, to the *Congressional*

\* The terms employed here are used in their ordinary and conversational, not in their technical, sense. Strictly speaking, of course logic is not concerned with the correctness or incorrectness of premises.



*Record.* They could hardly impose upon the least perspicacious intellect, unless it were in an attitude of eager anxiety to be deluded, and have long since received a much fuller and more serious answer at other hands than they were at all entitled to.

But while he was upon this subject, it might have been well for the Senator from Maine to cast a glance in a different direction. Would he have found no anomalies in representation nearer home? Was he aware, for example, that in the Forty-fifth Congress, taking the six New England States together, it required more than three times as many votes to send a democrat to the House of Representatives from that division of the Union, as it did to send a republican? We are not now considering the fairness of the standard, but it is one to which he, at least, cannot consistently object. In like manner, more than two-thirds of the representatives in that body from the State of Indiana were republicans, though the democratic vote in the State exceeded the republican by more than five thousand. Again, the Massachusetts republicans with considerably less than three-fifths—in fact not much over one-half—of the votes cast at the election of 1878, have ten out of eleven members in the present Congress, while the Indiana democrats, with a majority of several thousands over their republican opponents, have only six out of thirteen. In the eminently republican State of Vermont, at the same election, the average number of votes to each Congressional district was only 16,358, while in the eminently un-republican State of South Carolina, in spite of the reign of terror that we are assured existed there, it was 34,439, or more than twice as great. In democratic Florida it was 19,549, while in republican Rhode Island, with the same number of districts but a considerably larger population by the Census of 1870, it was only 9,198. Indeed, in the Presidential election of 1872 Rhode Island polled but 18,994 votes, or not quite one to every eleven of her population; while even in the exciting struggle of 1876 her vote was only 26,627, or about one to every nine of her probable population at that time. Yet we by no means propose to eject her from the Union and govern her as a Military District until she shall have framed a con-

stitution "truly republican" in the sense of the dominant party in Congress, whether it chance to be democratic or republican. On the contrary, we should strenuously resist such a proposition, from whatever source it might come.

Seriously speaking, we do not intend that our discussion of this question shall degenerate into recrimination, however just or well-founded; and without going further, the instances we have brought forward are abundantly sufficient to indicate the results to which Mr. Blaine's method of reasoning would lead, even if there were—which we do not for a moment admit—any basis of truth in his facts. At present, we submit, he might find ample occupation for his reforming powers at home. Nevertheless, if he conceives himself to have any effective plan for the better protection of the rights of minorities, by all means let him come forward and be heard. It is an object in the highest degree desirable, and it is, of course, not absolutely impossible that light should arise even from the most unpromising quarter.

For the rest, we must beg pardon of our readers for having detained them so long over what was, in the beginning, but a piece of sensational clap-trap at best, and is already, despite the exciting nature of the subject, wellnigh forgotten. In truth, this ludicrous spectacle of a wrathful engineer "hoist with his own petard," and utterly unable to restrain the expression of his disappointment and rage, is but little suited to the gravity of the subject. Our excuse must be that it is rather as the utterance of perhaps the most conspicuous representative of extreme sectionalism now remaining on the stage than on account of any force or even plausibility in the speech itself, that we have thought it worthy of a passing notice.

Leaving this, and turning to the Report of the Committee formed under the resolution of its author, we find it not far different from what might have been expected from the circumstances of its origin. For, as courts-martial are said to be organized to convict, so legislative committees on party questions are raised for objects equally well understood on all sides, and rarely fail to serve the purpose of their authors.

Given the names of the members, and the general tone, nay, sometimes the very phraseology of the Report may be anticipated with reasonable certainty, so that the public has quite acquired the habit of looking forward to the result of their labors with stolid indifference.

Nothing is better known than the "usual and orderly parts" of a Congressional Report.

First comes the presentation of the views of the majority, with more or less of ability, the bringing forward, and giving aid and comfort to their own witnesses, the relentless snubbing of their opponents' witnesses somewhat after the fashion of the distinguished counsel in the *cause célèbre* of *Bardell vs. Pickwick*. In the Minority Report the same process is repeated *mutatis mutandis*, and then on each side there is an expression of surprise, more or less veiled or emphatic, as the writers incline to courtesy or severity, at the unjust judgment, incorrect statements and generally shameless partisanship of the other.

Such, with slight variations, and a few honorable exceptions, is the history of investigating committees. It is no subject for wonder, then, that they generally leave the matter very much where they found it, partisans on each side looking into the report of their party friends to sustain their own previous impressions, while few indeed ever so much as think of reading the published evidence for themselves.

If, however, departing for once from this time-honored and tempting rule for dealing with such documents, the investigator turns from the Majority Report of the well-known Teller Committee to the voluminous testimony that accompanies it, he finds his path beset by difficulties at every step. He might indeed discover amidst this bulky mass testimony and to spare on almost any side of any question; but to bring this chaos to something like order, to reconcile inconsistencies, to reduce exaggerations, to reject impossibilities, to weigh the credibility of conflicting statements, to discriminate between honesty—heated, stupid, and prejudiced,—and wilful, often artfully constructed, falsehood, here lies the difficulty of the task. In the midst of this shifting quicksand it seems impossible to find firm ground for the feet. Whom are we to

believe? And even where the evidence appears to be honest, how far must we allow for prejudice, exaggeration, and inaccuracy?

Some of these witnesses seem to be quite of the mind of poor Peter Peebles in *Redgauntlet*. "I will swear to anything," said Peter. All is fair when it comes to an oath *ad litem*. Others have no conception of the difference between knowledge and hearsay, surmise and fact, and especially no accurate appreciation of numbers or distance.

It is manifestly impossible that evidence of this nature can be fairly judged except by constant reference to the peculiar character of the negro witnesses, and the degree of intelligence and culture at which they have arrived. Even among those whose statements are evidently untruthful, there is at least as much of the spirit of Munchausen as of Oates; and it would be hard for any one not thoroughly acquainted with the peculiarities of this singular race to imagine the various motives, far distant from deliberate malignity, which render their representations completely unreliable.

First, there is on the part of the person testifying a complete incapacity to appreciate the gravity of the position in which he stands; then, an eager longing to create a sensation, and be the hero of a story; and lastly, ludicrous as it sounds, a good-natured desire not to disappoint the expectations of those who have paid him the compliment of bringing him forward to testify. Any one accustomed to the task of adjusting their private differences will at once recognize the correctness of this description. If, then, in addition, we consider the looseness, the inaccuracy, the constant wandering from the point common to unenlightened witnesses of every race, the extreme caution with which this testimony should be received will be abundantly clear. Strange, indeed, if it should be made the ground for "drawing up an indictment," nay for proposing a bill of "pains and penalties," against "a whole people!"

As might have been confidently predicted, this imposing array of evidence shrinks and dwindles visibly in the furnace of judicial investigation. Let the candid reader be at

the pains of comparing for himself a case as it appears in the Teller Report and in the proceedings before the United States Courts. We are fully aware that a legal acquittal is by no means always equivalent to a moral verdict of "not guilty," but in these cases it must be recollected that the whole advantage, not only with the court, but, through the operation of the test-oath, with the jury also, was on the side of the prosecution. Under such circumstances the complete breakdown and virtual abandonment of the cases speak in a language the significance of which can hardly require enforcement.

It is, however, neither from the Report of the Senate Committee nor from the late proceedings in Louisiana and South Carolina that an entirely correct impression can be derived of the status of the franchise in the South generally, or even in those particular States. In their several ways they are important factors in the problem, but the investigation, to be satisfactory, must take a far wider range than this, and draw materials from a great variety of other sources, documentary and personal. Difficult and delicate as the task unquestionably is, we trust that it may not be impossible, by thus carefully collecting and comparing evidence, accepting the statements of even the most trustworthy partisans with extreme caution, and endeavoring, wherever possible, to make opposite errors correct each other, to arrive at least at the broad facts, the substantial truth of the case. We have accordingly taken pains to collect, not only from public journals and documents, but from private sources of undoubted reliability, a vast mass of material from which the conclusions that follow have been derived.

And just here we desire to say emphatically that so far from feeling any disposition to defend the use of violence or fraud in election contests, such acts in any locality and on either side meet our heartiest disapproval. Nor do we think, as regards the South itself, that a deadlier injury could be inflicted upon the white inhabitants of that section than by the adoption of a system of cruelty and oppression towards the colored voter.

Looked at from the lowest stand-point, and with a view

solely to the material welfare of the southern whites, "outrages," where they actually occur, are simply stupendous blunders; and when their baneful effect upon every interest of the community is duly considered, the injury done to the Caucasian will appear only less flagrant than that to the African race. All we claim is, that the facts shall be first carefully ascertained, and then that a rule of impartial application shall be adopted and enforced without discrimination as to parties or sections.

This will not at all interfere with the drawing of proper distinctions. Undoubtedly there may be here, as in all other cases, mitigating circumstances, such as great and long-continued provocation, the apparent closing of all legitimate avenues of escape from intolerable oppression under the forms of law, a natural and reasonable apprehension of grave impending calamities. These furnish strong, and sometimes almost irresistible temptations, and no just or discerning judge acquainted with human nature would fail to allow them proper weight in apportioning the measure of blame due to faulty human action. Such a judge, while condemning with just severity the "civilized bulldozing" which was almost openly avowed in Massachusetts during the gubernatorial canvass of 1878, would recognize the extreme pressure brought to bear upon even the most scrupulous conscience by the bare possibility of such degradation as would have been involved in the election of Gen. Butler to the chief magistracy of a civilized community, and would admit that then, if ever, the straining of "legitimate influence" beyond legitimate bounds might have seemed to a panic-stricken patriot not wholly inexcusable.

Having premised so much in order that our future utterances may not be open to misconstruction, we shall now consider the results to which, as we conceive, a fair examination of this much debated question leads.

The phenomenon which strikes us most forcibly on a first view of the subject is the complete disappointment of the anticipations entertained on every side as to the effect of negro enfranchisement. A few years ago, the republicans were

urging the measure with clamorous eagerness, confident that it would secure to them for an indefinite period the control of the Federal Government and the absolute mastery of the Southern States. The democrats, on the other hand, were struggling against it with desperate energy, as an earnest of their long exclusion from power, while the southern whites regarded it with a loathing and dread which can hardly be measured by members of differently situated and homogeneous communities. A few, but very few, saw somewhat further, yet even they were overborne by the resistless tide. And now the position of the parties is to a great extent reversed. Like the fencers in the play, they have changed rapiers; the poisoned weapon is in the hand of the combatant so lately exposed to its thrusts, while his opponent loudly complains that an exchange so disastrous to himself could not have been accomplished save by foul means. The complaint is not unnatural and deserves a thorough examination.

Certainly, at first sight, there is something very surprising in the fact that the weight of negro suffrage should have been thus early turned against the party by which it was bestowed, and the suspicion readily suggests itself that this must have been brought about by unfair means. And yet the more closely it is investigated, the more evident it becomes that, as regards far the larger portion of the South, there is absolutely no basis whatever for this hypothesis. So far, indeed, from this being the case, the verdict of any candid enquirer would unquestionably be that the freedom and peacefulness with which the newly-acquired privilege is habitually exercised is, under all the circumstances, nothing short of wonderful.

If this be the case—and it is fully proved, not only by the most unimpeachable testimony but by the best possible evidence, the peaceful and orderly condition of society,—it may fairly be asked what, then, has produced so striking a political change in that region? The wonder at first not unnaturally excited by this will, we are persuaded, on reflection vanish.

To recur to history, what single instance can be given in which revolutions, or extensions of the suffrage, have not sooner or later inured to the benefit of the party which at



first opposed them? If they know how to wait, and to adapt themselves to irreversible changes, the inevitable reaction is sure to replace them in power. True, the backward swing of the pendulum has come in this case sooner than was expected on either side, but for this the republicans at the South have themselves to thank. Nor can they with reason complain of the shortness of their term of power. It was in effect considerable; it would doubtless have been much more so but for the insatiable rapacity, the shameless indecency of their own conduct, as fully established by the reluctant testimony of their party friends.

The more we ponder this remarkable change, the easier we find it to account for it by the operation of natural laws. Imagine nearly a million of men suddenly discharged from servitude, and almost immediately clothed with the elective franchise, not only, be it remembered, profoundly ignorant of the whole subject of politics, but incapable from the degree of enlightenment which they possessed of even comprehending its most elementary facts and phrases. It is a mere abuse of language to talk of these men having political convictions or voting in accordance with them. Being utterly incapable of using for themselves the privilege with which they had been endowed, the only real question was, who should use it for them?

At first, but one answer was possible. Not only had the republicans every advantage from their position as the grantors of the very boon which they were now asking their beneficiaries to use according to their wishes and advice, but in truth very many of the new voters believed implicitly that they had no choice but to hand in whatever "piece of paper," as they called election-tickets, the agent of the Freedmen's Bureau had given them. Such were the circumstances under which the solid negro vote, reinforced by an insignificant segment of native whites and a few immigrants, for the most part without either property or character, obtained control of almost the entire South and inaugurated the era of what is known as "Carpet-Bag Government."

Then followed a desperate struggle on the part of the

southern whites to release themselves from this intolerable bondage, in the beginning of which the negro element was almost to a man against them. Yet, within a comparatively brief period, break after break was made in the solid phalanx, and State after State passed from the control of the then dominant party.

To this result various causes conduced. In the first place, the negroes' hopes of some palpable personal advantage, which usually took the shape of a division of their former masters' property among them, were repeatedly disappointed; and this not a few of them regarded—whether justly or unjustly it is not to our present purpose to inquire—as a wilful deception and breach of faith on the part of their white allies. In the next, the wide-spread distress, necessarily affecting all classes in turn, which resulted from the gross corruption, inefficiency and extravagance of the State administrations, occasioned increasing dissatisfaction from year to year.

Moreover, as the novelty of the boons of freedom and suffrage wore off, though still highly prized they began to be viewed somewhat more soberly. It was perceived that the former might coexist with great poverty and hardship, and that the latter conferred no immediate personal advantage whatever on its possessor. Nor did it escape the notice of the blacks that, however important their services on the day of battle, the fruits of victory were seldom theirs, and that even where, in some exceptional localities, they obtained a larger share of the spoils, the number thus favored bore a lamentably small proportion to the whole body. Thus the zeal of these new recruits to the republican standard began to grow cold, and from coldness there was but a step to disaffection. Meanwhile, causes of a different kind were working simultaneously in the same direction.

In the midst of their temporary estrangement the former owner still retained a strong influence over his emancipated slave. A kindly sentiment, latent indeed, and scarcely recognized, drew them together, and this was constantly and effectively aided by the sense of self-interest, the urgent need which each had of the other. Their business relations, their

domestic life, their common pursuits were cementing forces in daily operation, while the political contests that separated them were of comparatively rare occurrence. Besides, the whites of the South were not long in recognizing that the assistance of the negro was necessary to their liberation from a ruinous and degrading yoke, and once convinced of this, they bent every energy to the task of securing it. At first, almost everything was against them, yet the once apparently hopeless enterprise has been accomplished with marvellous completeness and success.

We have not space to tell in detail how this was effected, how the close every-day intercourse gradually availed, first, to soften the rancor of party feeling, and then to incline the inferior of the two races to abandon the unequal contest with an adversary whose superior intelligence and enlightenment were acknowledged, and whose justice and humanity, satisfactorily tested in private affairs, it was hard to discredit as soon as the question was transferred to the public arena. From the very necessity of the case, moreover, the negroes being themselves incapable of filling the local offices, these latter came to be held by native whites. Every motive of policy and humanity concurred to stimulate those occupying such positions to a rigid observance of fairness as well as to a conciliatory demeanor towards the colored race; and this was the most convincing of answers to the agitators who were constantly assuring them that their comfort, their freedom, their very existence would be imperilled by intrusting power to their former masters.

Nor did the southerners rest their case here, strong as was the silent influence of action. They tried in turn every resource of persuasion and argument, taxing their ingenuity to clothe them in words that should be intelligible, and put them in a form that should be attractive to "the dull cold ear" of their auditors. Ceaselessly, unweariedly, by day and night, in field and workshop, on the hustings and by the fireside, this contest was ever going on. Meanwhile, the blunders and dissensions on the other side were helping their cause incalculably. The leaders quarrelled among themselves, the

followers denounced and revolted against the leaders. Some of these latter decamped to secure their booty, others to avoid detection and punishment. Thus in the very heat of the conflict the rank and file were often left without officers, and complete disintegration ensued. The inevitable result was thus somewhat hastened, but it was merely a question of time, at all events.

Obviously, with a rude, uncultured people what is present and palpable will have far greater weight than the distant and indirect, however important. The latter requires too long-sustained an effort of the imagination to comprehend and realize. So it happened that the southern whites, with whom the blacks came daily in contact at a hundred points, in spite of all their antagonists' efforts advanced steadily in regaining their lost influence. Nor was this accomplished only of set purpose, and by laborious effort. Undesignedly, and even unconsciously, by kind offices in sickness, by advice in business, by courtesy and good humor in the ordinary intercourse of life, the work was furthered. Again, within the past few years the negro himself has taken some steps, albeit slow and halting, in political education. By dint of constant dinning into his ear, he has been made to comprehend something of what was a sealed book to him before. He is learning, for example, as a plain practical matter of fact, that it is impossible permanently to divorce his interests from those of the white co-occupants of the same territory. In like manner, the knowledge of a few simple historical facts is slowly finding its way to his understanding. He has been told in every form of words that could be imagined as likely to convey it to his apprehension, that the people of the South, so far from being responsible for the forcible introduction of his race into their midst, made repeated though vain attempts to prevent or check it; that climatic considerations were the effective cause of the abolition of slavery at the North; that the New England States in the Convention of 1787 favored the longer continuance of the slave-trade, while two of the Southern States, and notably Virginia the oldest, largest, and most influential of them all, opposed it in vain; that, according to the reiterated

official declarations of the Federal Government, the late war was not undertaken with any purpose of interfering with slavery in the States; that the Emancipation Proclamation was simply an extreme war-measure, adopted as a *dernier ressort*, after having been previously considered and rejected, and tending infallibly, had it been acted on at the time, to involve their race in the most fearful calamities; and finally, that as soon as indications appeared that the suffrage lately conferred might be used to the disadvantage of the republican party, a murmur arose from their ranks demanding its withdrawal.

As these are plain facts of history, every advance that the freedman makes in intelligence serves to fix them more firmly in his mind. And this lodgement once effected, there results, naturally enough, a disposition to suspect that he has, perhaps, no such great cause for gratitude to the republicans after all, and that the best advisers for him in public as in private matters may be found among his white neighbors and employers. Undoubtedly, also, the man of property and intelligence at the South has, as such, considerable weight with his tenants and laborers in political as in other questions; but this, whether desirable or not, is certainly by no means peculiar to that region. On the contrary, we are convinced that it obtains to a much more limited extent there than in most communities governed by the machinery of popular elections.

To such causes as those which we have rather glanced at than detailed in the preceding pages, there is overwhelming evidence that the late political revolution should, in far the greater part of the South, be unhesitatingly attributed. No impartial mind will, on investigation, retain any doubt of this, in spite of the blood-curdling letters of "intelligent and reliable" correspondents who manufacture martyrs to order out of quiet individuals comfortably unconscious of the fiery crown thus unceremoniously thrust upon them. In that portion of the South with which the writer is most familiar, "Ku-Kluxism" and "bulldozing" have never had any existence. Within a radius of five miles around him there are,

at present, thirty or forty colored landholders who would never dream of being in at all greater danger, on account of their political sentiments, than the largest white proprietor in the land. There were, indeed, at one time attempts on the part of the blacks to coerce all the members of their own race into the solid support of the republican party, but these are fast losing their effect and falling into disuse.

Meanwhile, in his own Congressional district, and in elections singularly free from all suspicion of fraud or violence, such changes have taken place in the colored vote as to substitute a republican majority of nearly four hundred in 1872 by a democratic majority of about three hundred in 1874, and of over three thousand in 1876. In one of the supposed hopelessly "black counties" he has seen the republican majority reduced gradually by fair and peaceful means, until at the State election of 1877 a democratic member was returned to the House of Delegates, numbers of the colored voters freely and heartily supporting him. The last elections, Federal and State, are not here referred to, because, taking place under exceptional circumstances, and turning on special issues, they do not afford a just standard of comparison. The cases given are fair illustrations, on a small scale, of what has been taking place throughout the South.

There are two additional reasons for the relative falling off in the negro vote, of late, which should be briefly noticed. They are the existence of a law in some of the States, requiring the prepayment of the poll-tax as a requisite to voting, and the decline in certain localities of the negro population as compared with the white. The first, though of equal application to both races, through his own action, or rather inaction, affects the negro most sensibly; the second suggests some startling reflections as to a possible solution of the problem now so hotly debated. A glance at the death-rates of some of our large cities, and a comparison of the natural increase of the two races now and before the war, will throw much light upon this deeply interesting question. We are not in possession of sufficient data to pursue the subject further here, but will venture the remark, in passing, that it is much to be regretted that it

cannot be rescued from the domain of sentiment and relegated to that of science, where it properly belongs.

We have now sufficiently conveyed our impression of the conditions under which the franchise is exercised at the South as a general rule, an impression the correctness of which we have taken great pains to verify by the most trustworthy private information in addition to that which is accessible to the general public. It is, indeed, scarcely impugned from any quarter worthy of serious notice, and if it were, a single glance at patent facts would be ample to vindicate it. The best possible refutation of the charge that the South is a sort of bloody chaos, a seething whirlpool of anarchy and crime, is to be found in her immense and constantly increasing products, in her millions of bales of cotton; in her thousands upon thousands of hogsheads of tobacco and sugar and rice; in her vast droves of cattle; in the lines of railways and of steamers that are engaged in supplying the needs of her traffic; in the wharves, and warehouses that are filled to overflowing with the varied fruits of her industry. Of all these things we may, on a future occasion, speak at length; for the present, it is enough to point out that they are hardly the characteristics of a

“—— purple land, where law secures not life.”

Substantially, then, the field is narrowed to certain exceptional localities within the limits of a few States,—seven Congressional districts, we believe, if the President's estimate, which will scarcely be considered too low, may be taken. That irregularities and abuses in the conduct of elections have occurred here to a greater extent than elsewhere in the South—perhaps even occasional acts of violence, though these last have been peculiarly and most grossly exaggerated—we can readily believe, and they are deplored and regretted by none more heartily than ourselves. But it will be observed that “the area of disturbance” lies in the very States and localities in which carpet-bag government lasted longest and developed its peculiar characteristics most freely. Just here may be found the real explanation of whatever of the alleged disorders remain as a residuum of truth, after the vast mass of mis-statements and exaggerations has been properly corrected and



reduced. They are the product of an era of no-government, or rather of elaborate misgovernment, when society was practically dissolved, and men lost the habit of looking to the organized force of the community to protect them and learned to depend on themselves alone. The people were frightfully oppressed; they were outraged, insulted, reduced to destitution, wellnigh to starvation. The memory of all this is burned deeply into their minds, and has given them the intensest dread of ever falling under a similar yoke, and an unconquerable loathing for that political organization under the auspices of which these wrongs were perpetrated. Persons accustomed only to the party conflicts of communities in the main well-governed, can form no idea of the strength of this feeling. It is in the nature of a panic; it does not pause to reason or investigate, nor does it disappear immediately with the danger that produced it.

During this wretched period, animosities, race and individual, were inflamed to such a degree as to leave behind them a rich legacy of bitterness, displaying itself in feuds and outbreaks often wholly unconnected with politics, and yet which are invariably referred maliciously, or unthinkingly, to this one unfailing source of everything good, bad, or indifferent that happens at the South. That these are by no means exclusively grounded on political causes, appears from the fact that they frequently take place between members of the same party, and very often have their origin in infractions of the rights of property.

Tried in the crucible of a searching investigation, most of these purely political outrages have been found to disappear. For those that remain, strongly and unequivocally as they should be condemned, the authors of the original wrong must be held primarily responsible. Indeed, when all the previous circumstances are fairly considered, we think the wonder will rather be, that a much greater amount both of fraud and violence than there is the slightest satisfactory evidence to establish does not exist in that portion of the South. And even accepting the heated statements of partisans to a far greater extent than is at all admissible, it would not be hard to find parallels

for them in cases admitting of no such pleas in extenuation.

Without recurring to the history of nations separated from us by so great a distance of time and manners as ancient Greece and Rome or mediæval Italy, a glance at the evidence taken before the Hartington Committee of the British House of Commons in 1869 will satisfy the most prejudiced that fraud and intimidation are by no means plants of distinctively southern growth. In truth, there is no necessity for leaving our own shores or going back farther than a generation to find that, however shocking, there is nothing unprecedented in such occurrences. Have "roughs," "repeaters" and "ballot-box-stuffers" and all lawless and violent conduct at elections been happily unknown among us until within the past few years? Were there no stories of "outrages" in 1844, when there was not a negro voter in the land? Have Webster's indignant denunciations of "the abominable frauds, the outrageous flagrant perjuries which are notoriously perpetrated in all the great cities" been so soon forgotten? And of late, have all the States, save those of the South, been absolutely free from such charges? To take an impartial, or rather a most favorable witness, what does Sir Charles Dilke say in his evidence before the Hartington Committee as to the way in which votes are obtained in the cities of Boston and New York? And what, in spite of the strongest prepossessions, must he have said, had the facts been within his knowledge, of the new and improved methods employed of late under the enlightened sway of "special deputy-marshals" in St. Louis, in New York, in Philadelphia? What of the recent ingenious "colonization scheme?" And if we come to the matter of race animosity and oppression, what shall be said of the "hoodlum" outrages in California, or is not the Chinaman as much "a man and a brother" as the negro?

In view of all the facts, an attitude of horror-stricken wonder at the disorders in the South is utterly untenable and even ridiculous. They should be visited, according to their kind and degree, with a due proportion of censure, but there should be one weight and one measure for the whole country. Nor must the peculiar circumstances in which they originated

be forgotten. They are the *sequela* of reconstruction. A terrible tempest has swept over the ocean; its violence has greatly abated:

Defluit saxis agitatus humor,  
Concidunt venti, fugiuntque nubes.

But no reasonable observer will expect an immediate return to profound calm. The reproductive power of wrong is not yet exhausted, but it is rapidly wearing out. Its complete extinction must be sought, not in renewed misgovernment, in fresh lawlessness, and disregard of constitutional restraints, but in the certain and steady operation of natural causes. These will assuredly put an end to it, if not unwisely kept alive by external interference.

Already the salutary work has advanced far towards accomplishment, but every new act of injustice or word of sectional bitterness serves to retard it. Whenever the removal of outside pressure shall allow a redivision of parties, not by races but on political lines, to take place, the active bidding between the whites for the colored vote will effectually prevent the use of fraud or intimidation against the negroes as a race. That we are speedily to see the discontinuance of such practices altogether in any section, or among any constituency, experience does not warrant us in hoping.

We had intended in this connection to say something of the so-called negro exodus, to attempt to point out its real causes, and to forecast some of its results, but our limits imperatively forbid. We leave it, therefore, with the single remark that, while it may be a cause of temporary loss and inconvenience to the whites, by far its most serious consequences must ultimately fall on the heads of that unfortunate race which seems destined to be made the subject of all manner of experiments and the dupe of all manner of delusions.

WILLIAM BAIRD.

## ART. V.—PRESIDENT PORTER ON MILL.

THE President of Yale has within the past few years been devoting some of his leisure to reviews, ostensibly of the works but really of the characters of a number of the leading thinkers of recent times, with the intent apparently of checking, so far as his powers and influence allow, the course of that progressive scientific thought which has been the characteristic of the latter portion of the present century down to date. A recently published article on *The Newest Atheism* displays a singular want of knowledge or want of candor respecting the life and work of the late William Kingdon Clifford, one of the most brilliant and at the same time one of the most cautious thinkers of the present generation. A former essay, entitled *Professor Tyndall's Latest Deliverance*, and another reviewing Professor Huxley on Hume, deal with both those eminent scientists in a manner which is certainly exceptionable, to say nothing of the matter of his criticisms on the merits. The series was begun by the issue of two essays on John Stuart Mill as a philosopher and as a religious philosopher, which were subsequently published in book form with several others by different authors under the title of *Atlas Essays*.

It might reasonably be expected that President Porter's position, scholarship and literary character would ensure that what he might write would be a careful, fair, and just analysis of the characteristics of the author he should choose to review, and would exhibit reliable and accurate statements concerning the man and his traits. It also might be considered that President Porter would be alive to the fact that it is incumbent (most of all in the criticism of individuals) upon any writer or speaker occupying a place of prominence to be somewhat solicitous to form accurate judgments, so far as in him lies, in order that

the influence derived from the eminence of the critic within any circle should not be exerted in a direction either contrary to truth or tending to give an inadequate or one-sided view of facts or character. Fortunately or unfortunately, it is still true that with the majority of people the value of statements or arguments does not depend so much upon their intrinsic merit as upon the reputation of him who advances or makes use of them. The greater that reputation, the stronger his words seem and the sounder his judgments.

• In view of these facts the wonder is how, in the half-dozen essays we have spoken of, so many absolutely erroneous impressions should have been given, and how the writer should have been able to fall into such hideous misconceptions of men, of society, and of science. In the limits of a single article it is not possible adequately to review all of these essays. I shall, therefore, have to content myself for the present with taking one or two as specimens, leaving to the intelligent reader the critical examination of the others. And since to the general student the life and character of Mill are of perhaps the most interest, and to the earnest man his name and fame are most precious, while in criticisms of that philosopher President Porter has displayed probably the greatest amount of ignorance as well as injustice shown in any of his reviews—I will select the two essays on John Stuart Mill for such examination as present limits will allow. It is my purpose to expose some errors and prejudices and supply some omissions of the reviewer respecting Mill's general philosophical character, leaving specific philosophical questions at issue between the English writer and his critic to be argued and settled in other ways. And, inasmuch as the entire foundation for President Porter's second article on Mill is contained in the first—and the mistakes of the second are but repetitions of the errors of the first—our notice may be directed more to the details of that paper than to those of the second.

Very correctly and properly, President Porter endeavors to throw light upon Mill's character as a philosopher by showing the natural bent of his mind as determined by the circumstances of his early training, and thus following the

order of Mill's *Autobiography*, which furnishes the text for many of President Porter's comments, enlarges to some extent upon the characteristics of the elder Mill and their impression upon the early life of the son; thus the biasses of the latter can the better be understood, and the causes which controlled his development can the better be observed. By showing the way in which his opinions grew, President Porter thinks that his idiosyncracies may be explained and even his philosophy judged with greater accuracy. Granting the force of the idea, it must not be forgotten, nevertheless, that in order to arrive at a correct judgment in regard to the estimate itself which is made by one man of another, it is also and equally necessary to apprehend the bias of the one reviewing. As constituting the "bias," we ought to include both the habits of mind and the inclinations and propensities forming and resulting from those habits. Sometimes, from the text of a published article before us, we are able to discover the mental bias of its writer, but in order to understand the same fully, it is necessary to learn his mental character from previously expressed ideas, from his occupation in life, his avocations, his education and habits of all sorts. Not infrequently people, contending in defence of some favorite or of his opinions, claim that he is entirely unbiassed. Exactly what they mean it would be difficult to determine so as to avoid convicting them of making a statement absurd in itself, unless we allow that previous habits of life and thought have no influence whatever upon mind and character. The meaning generally intended probably is, that spite of his bias, his judgment is a fair and correct one. It is greatly to be desired that if people do intend this they should say what they mean; for the exaggerated or meaningless remark just criticised always does damage. If either a writer or some zealous friend endeavors to remove all suspicion of prejudice and to prevent all attempts to discover bias, when it *is* discovered, as it almost invariably is, enough disgust is experienced by the person discovering to set him far more strongly against both writer and opinions than if the bias had been stated freely and allowed. Much the more honest and in all respects the most satisfactory course is to ascertain, as

accurately as circumstances will allow, the natural inclinations and acquired prejudices of a writer, and give them a fair and reasonable consideration in explaining and criticising his views. Hence we need not quarrel with President Porter on account of what he has attempted to do in this line with reference to Mr. Mill; but it is equally important that we do the like in the case of President Porter himself, though as briefly as possible.

There frequently occur in the articles we are noticing allusions to what the author calls the anti-theistic prejudices of Mr. Mill, referring to what President Porter conceives to be his narrow and partisan opposition to Christianity. Moreover, there is given in one place a picture of James Mill as a violent hater of "all questions which naturally suggest even those intellectual or scientific relations which lead to God. \* \* \* He eminently exemplified the truth that atheism necessarily narrows the intellect and shuts it down to a limited sphere of thought and inquiry." This is found in connection with the further statement that John Stuart Mill was destined and trained by his father to propagate his father's creed. Unless it be taken with considerable qualification, I must confess my inability to discover warrant for this latter assertion, either in the *Autobiography* or in any of the published works or articles referring in any wise to the Mill family, to which I have had access. If James Mill had intended his son to be merely, or even principally, the advocate and propagandist of his own creed, it is quite inconceivable why he should have been so sedulous to develop in the boy habits of such careful and patient thinking, or so assiduous in his endeavors to create such a self-reliance and independence as President Porter subsequently bears ample witness to. Without stopping, however, to discuss this point, let us proceed to note that, to a philosopher, anti-theistic biasses are in themselves no greater hindrances to an investigation of truth than are theistic ones. There are all gradations of theistic and anti-theistic prejudices, and in their effect upon the judgment to blind and confuse it there are corresponding degrees of both. A bitter atheism and a bigoted theism equally interfere with a successful search for



truth. A persistent and obstinate refusal to recognize facts looking to the establishment of a religious faith or of a body of religious doctrine, and a dogmatic and intolerant denial of any good as possible to come directly from labors unenlightened by religious principles and uninspired by religious zeal, are alike damaging. And it must never be supposed that it is other than dishonest for an investigator who starts out with the professed idea of examining the grounds of our knowledge, and of constructing a philosophy of the human mind, to advertise an impartial exhibition of facts and then ignore or suppress those which are antagonistic to the thinker's preconceived theological notions. James Mill may have done this: whether his son has so acted or not may perhaps be considered farther on. But it will answer our purpose here to observe that if we regard the anti-theistic prejudices of Mr. Mill, we must not omit to consider that the prejudices of his reviewer (and probably our own) are eminently theistic.

President Porter is not only a divine, but also a practical teacher who has had large and successful experience in the class-room,—to whom respect and doubtless reverence have been freely and constantly accorded. Probably it has not been common for him to have his authority questioned, much less seriously impeached. Now it is almost a truism that out of such relations with others there usually grows an exaggerated idea of the importance of carrying respect and reverence to high and excessive degrees; and hence their absence, or even the absence of their forms, is more promptly noticed and more unfavorably criticised by those accustomed to the implicit and consequential deference of inferiors. To a lawyer, for example, and to many classes of business men, such a fine sense of propriety is ordinarily unknown, and to them what a teacher would be apt to consider a blunt and discourteous attack would seem no more than a decided but perfectly proper expression of difference. President Porter finds occasion to express himself with some emphasis upon what he esteems Mr. Mill's "supercilious," "ungenerous" and "depreciating" estimates of eminent men of his time, and specially instances Mill's treatment of Hamilton. Says

President Porter, alluding to the *Examination of Sir William Hamilton's Philosophy*: "A superficial perusal of this critique will not fail to leave the impression that Mill's attitude toward Hamilton is supercilious and ungenerous, and that there was little evidence of any magnanimous appreciation of Hamilton's intellectual or personal superiority." Leaving the justice of this remark to a later consideration, it is only desired here to raise the question whether any explanation of President Porter's sensitiveness upon points like these may not be found in the natural tendency just suggested. And closely connected with this, comes in the other important element of natural sympathy arising between those of similar professions and occupations in life. It would be difficult for any one wholly to divest himself of this class feeling, however honestly he might strive to do so, and however fully he might think himself to have succeeded. If a student in President Porter's class were to criticise acutely and at all *con amore* the opinions of any distinguished teacher, especially if such a one held opinions with which President Porter happened to be in accord, there would be four chances out of five that the President would at least pass unfavorable judgment upon his pupil as a very "agile and confident thinker," and would regard him as wanting the spirit of reverential appreciation of a great mind! Therefore, it seems wise for us, when reading strictures upon Mill like that quoted in regard to his polemical examination of Hamilton, and most especially in that case, to remark the fact that President Porter is, by profession, a teacher.

Again, President Porter assumes to be a philosopher. Without pointing out specifically the differences between him and Mr. Mill, it may be said that their points of agreement are few and their points of difference manifold. President Porter never has been guilty of any sympathy with the associational psychology, its tendencies, or its postulates. He has repeatedly characterized this philosophy as "narrow and superficial," and has no affinity with it. It is hardly necessary then to say more upon this subject than to note President Porter's philosophical antagonism to Mill, and to call to mind

the fact that his critique is from the stand-point, not of a friend, but of an opponent.

These three are the principal sources of bias to which the author of the essay before us would be liable. Farther than to put him on his guard, it is not intended to prejudice the reader in advance against President Porter's observations, nor, under pretensions of justice to others, covertly to undermine the trustworthiness of his statements. It is only desired that his judgments be accurately and fairly weighed. In order to effect this, it is claimed that a knowledge of the author's natural or acquired tendencies and preferences is essential, and that these tendencies and preferences should be borne in mind in the process of criticism.

In the commencement of his discussion, President Porter distinctly announces his purpose to criticise Mill as a philosopher only and not as a man, exhibiting the various traits of his general character only so far as may be necessary to throw light upon his character as a philosopher. An examination of the succeeding pages of the first article reveals the presence of a large amount of comment and criticism upon those mental and moral characteristics of Mr. Mill which the critic conceives to have moulded his philosophical opinions. It is not then altogether with Mill's philosophy, its truth or falsity, that President Porter has to do, but also, and perhaps mainly, with Mill's philosophical character. Quite obviously, such a method of treatment as President Porter proposes will, in its employment, cause to be presented a more or less complete picture of the *man* as well as of the philosopher; for it is hardly to be supposed that a person could maintain one habit of mind for his public writings or speeches, and a contradictory or very widely different one for his words and acts in private life. Nor does President Porter deny such a consequence; but, on the contrary, often applies his judgments in both essays, without exception or reservation, to Mr. Mill's entire personal character, and frequently, when perhaps not designing to do this himself, by his broad and unqualified language makes it quite inevitable that the reader should do so.

The sources from which President Porter gathers those views

in regard to the elder Mill with which he prefaces his account of the mental development of the son cannot be certainly determined, inasmuch as he has not chosen to state them. But it is to be presumed that the basis, at least, of those views is to be found in the portraiture of James Mill given by John Stuart Mill in the *Autobiography*. And from the entire context in President Porter's essay we are led to suppose that the *Autobiography* itself gives the sanction to the reviewer's statements. At any rate, those statements are given with a positiveness which would cause us to infer that their truth was well known and universally acknowledged. President Porter says of the elder Mill:

"The truths in which he had any faith or zeal were also very scanty in number and somewhat narrow in their range. He believed very positively in matter and very hesitatingly in spirit. He believed very strongly in man and very feebly in God; very earnestly in human government and social organization and not at all in a divine Providence. He had a faith in democratic institutions which was almost fanatical and a hatred of every species of theocracy which was far more than fanatical in its positiveness and acrimony."

If this portraiture be a correct one, it seems that what James Mill did believe he believed with his whole soul—"positively," "strongly," "earnestly," fanatically, and more than fanatically. And since "matter" and "man" and "human government, and social organization" and "democratic institutions," and "the perfectibility of man through an enlightened self-interest, by means of popular government and universal education especially,"\* would seem to give room for truths and theories vast in number, and in extent wide as humanity and the material universe, it is very difficult to see how "the truths in which he had any faith or zeal were very scanty in number" and "narrow in their range." If President Porter had said that James Mill followed one method of philosophizing which many consider a narrow one with great zeal, and at times almost with apparent fanaticism, and was in all things a man of strong belief and prejudices—the very reverse of a characteristic skeptic—his statements might have been more correct.

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\* This follows the passage quoted.

There is in this part of President Porter's review a great deal of comment similar to what has been quoted, which contains some truth and omits things equally true, and which is more colored by what would seem, to many, the author's prejudices than is warranted by the facts stated either in the *Autobiography* or by good critics elsewhere. All those who knew James Mill seem to coincide in testifying to the fierceness of his zeal for his own opinions, and against those of his antagonists; but, unlike President Porter, most of them show traits that greatly and favorably counterbalance this one, or confirm the existence of controlling ends which limited and confined that enthusiasm to a considerable extent. Mr. Grote, in a letter to Mr. G. W. Norman,\* speaks thus:

"I have met Mill often at his house and hope to derive great pleasure and instruction from his acquaintance, as he is a very profound thinking man and seems well disposed to communicate as well as clear and intelligible in his manner. His mind has indeed all that cynicism and asperity which belong to the Benthamic school; and what I chiefly dislike in him is the readiness and seeming preference with which he dwells on the *faults and defects* of others, even of the greatest men."

In a passage occurring in close proximity to this letter, Mrs. Grote remarks of the elder Mill:

"This able dogmatist exercised considerable influence over other young men of that day as well as over Grote. He was indeed a propagandist of a high order, equally master of the pen and of speech. Moreover, he possessed the faculty of kindling in his auditors the generous impulses toward the popular side, both in politics and social theories; leading them, at the same time, to regard the cultivation of individual affections and sympathies as destructive of lofty aims, and indubitably hurtful to the mental character."

There is one remark of President Porter made in this connection, which I hardly feel at liberty to pass over, although in order to correct it by exhibiting what I conceive is a more just judgment, an extended extract may be necessary. President Porter goes on to say, in language of which a portion has been quoted before:

"Mr. James Mill was an anti-theist, not so much so from intellectual conviction as from passionate dislike to all questions

\* *Personal Life of George Grote*, by Mrs. Grote, p. 21.

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which naturally suggest even those intellectual or scientific relations which lead to God. He was a half-Manichean which, for a mind trained like his, was simply to accept the first make-shift by which to dispose of any questionings of thoughts which might emerge above the horizon of his political and economic dogmas."

The last sentence is the one to which I take exception; and lest the reader may too hastily receive from this an impression possibly (and to me it seems undoubtedly) erroneous, it is advisable to place beside the passage some of the remarks made upon James Mill in the *Autobiography*, with which citations will be concluded all we need to notice of President Porter's views of the character of that philosopher. I think these and the passages quoted from Mrs. Grote's work, as well as others which could be produced from the same and from other sources, indicate James Mill to have been quite the contrary of what is asserted and implied in the last sentence of the above quotation; and the whole, it is believed, will give a much fairer presentation of him than we can get from President Porter. Says the *Autobiography*:

"My father, educated in the creed of Scotch Presbyterianism, had by his own studies and reflections been early led to reject not only the belief in revelation, but the foundation of what is commonly called Natural Religion. \* \* \* He considered Butler's argument as conclusive against the only opponents for whom it was intended. Those who admit an omnipotent as well as perfectly just and benevolent Maker and Ruler of such a world as this can say little against Christianity, but what can, with at least equal force, be retorted against themselves. Finding, therefore, no halting place in Deism, he remained in a state of perplexity until, doubtless after many struggles, he yielded to the conviction that concerning the origin of things nothing was known. This is the only correct statement of his opinion; for dogmatic atheism he looked upon as absurd; as most of those whom the world has considered atheists have always done. \* \* \* It would have been wholly inconsistent with my father's ideas of duty to allow me to acquire impressions contrary to his convictions and feelings respecting religion; and he impressed upon me, from the first, that the manner in which the world came into existence was a subject upon which nothing was known. \* \* \* He, at the same time, took care that I should be acquainted with what had been thought by mankind on these impenetrable problems. I have mentioned at how early an age he made me a reader of ecclesiastical history; and he taught me

to take the strongest interest in the Reformation as the great and decisive contest against priestly tyranny for liberty of thought.

\* \* \* Right and wrong, good and bad, he regarded as qualities solely of conduct—of acts and omissions; there being no feeling which may not lead, and does not frequently lead, either to good or bad actions; conscience itself, the very desire to act right, often leading people to act wrong. \* \* \* But though he did not allow honesty of purpose to soften his disapprobation of actions, it had its full effect on his estimation of characters. No one prized conscientiousness and rectitude of intention more highly, or was more incapable of valuing any person in whom he did not feel an assurance of it.\* “Being not only a man whom nothing would have induced to write against his convictions, but one who invariably threw into everything he wrote so much of his convictions as he thought the circumstances would in any way permit; being, it must also be said, one who never did anything negligently; never undertook any task, literary or other, on which he did not conscientiously bestow all the labor necessary to performing it adequately.”†

Dr. Porter comments quite freely upon the unfavorable effect which the peculiar system of training, to which the younger Mill was subjected by his father, had upon the former; and refers very many unfortunate traits of character, which he believes himself entitled to say existed in the son, to the unwholesome influence of that severe and isolated discipline which he received in his early years. Indeed, President Porter seems to have had more than a suspicion that young Mill must have had a natural hebetude of judgment or sensibility to allow himself to be so outraged!

“No boy,” he says, “not possessed of original obtuseness of judgment or sensibility—one or both—would have tamely submitted to such an isolation from the rest of mankind. No boy who could allow himself to be passively moulded by it, could possibly escape from one-sided views of man, of nature, and of society, or fail to accept the fancies or conclusions of bookish and secluded theorists in place of those corrected judgments, which the experience of life and men alone can furnish.”

There are a number of passages similar to this, which give the impression that young Mill was trained up in utter seclusion, not allowed the usual recreations and amusements of boys, but forced to grow up to manhood with his mind pressed into and shaped by the mould which his father made for him.

\* *Autobiography*, pp. 39-50.

† *Ib.*, p. 4.



But a reference to the *Autobiography* alone, to say nothing of other authorities, reveals considerable exaggeration in these accounts, and an omission to take note of some facts that would detract from the strength of the reviewer's argument. During the childhood of Mill, before his thirteenth year, his family lived in considerable seclusion. After that time, his father became an active business man, and in ways of business was brought daily into contact with the world. In the family of a man in such circumstances there must have been many opportunities to meet and to observe men if not boys, and to become tolerably familiar with practical life, especially as the father was an exceptionally practical man, and his influence and example in the matters of practical life must have impressed themselves upon the son.\* Moreover, we have from the pen of the autobiographer accounts of his frequent meeting with eminent men at his father's house and elsewhere. At quite an early age he had seen Bentham, and Ricardo, and Hume, and also, a little later, Grote. Mrs. Grote speaks of John Mill, at his age of twelve, as being often in company with his father, but generally noticeable for his silent and quiet manner,—“being somewhat repressed by the elder Mill.” Though he was a bookish child, his early associations could not well have been farther removed than they were from the immediate influence of “bookish and secluded theorists.” The education his father gave him was little calculated to develop a one-sided culture, except perhaps in the matter of religion. President Porter might have argued that this absence of religious training alone would give the boy a one-sided culture, but does not make such an argument in this place, his inferences being drawn wholly from the mere method of Mill's early training. Least of all could this course of instruction have created a blind confidence in *anybody's* opinions.

The immense amount of study devoted during childhood

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\* Mr. James Mill was the architect of his own fortunes; never was in debt, and supported a large family by his own exertions. A critic in *Fraser's Magazine* says that he was very “unpractical,” but only instances one or two of his published works to prove the assertion. Bentham entrusted his business affairs at one time almost entirely to Mill, because of the latter's singular ability in that direction.

to Greek and Latin classical authors would be likely, if the argument for the broadening influence of classical studies is good for anything, to lay the foundations of a tolerably broad culture; while the unrelenting severity of the drill in logic which he received would be a pretty effectual safeguard against his receiving ill-substantiated assertions and general or vague opinions, or those held through prejudice or mere custom. Besides, he went through a very thorough course of historical reading, and to some extent read works of fiction and poetry. Those legendary tales which are so fascinating to children were not neglected, though sparingly read. At the age of fourteen he made a tour of France, attended lectures on special subjects, formed the personal acquaintance of some distinguished men, and had ample opportunity to observe men and manners. At sixteen he was largely instrumental in establishing a remarkable debating society, in which he took prominent part as a debater, and where he had opportunity, well improved, to measure his strength with other boys as well as to derive benefit from a familiar association with them. Yet we find President Porter regretting that he never had been forced "to confront his pretensions with the judgment of his peers and to measure his intellectual strength in debate and conference." At the age of seventeen, young Mill commenced an active business-life as a clerk in the India House, at which age he hardly could fail to be impressed by all his surroundings, and when his character and habits of life, his tastes and ideas could by no means have been fully settled. Still further, in the years when he was most directly under his father's control liberty was allowed him to pursue studies of his own choice and to gain for himself discipline by writing. Of this liberty he took full advantage, and what he wrote, his father never asked to see. Later, he tells us that his chosen recreation in his vacations from the India House was long pedestrian tours with selected friends—another indication that he was by no means cut off from the influences of companionship or youthful friendships. Nor is it to be supposed that his mother had no share in determining his character, mental or moral. Mr. Mill, in his *Autobiography*, does not allude to maternal

influence, very likely because he supposed the ordinary power of mothers would be taken for granted, and there was in her training nothing special or extraordinary; perhaps because it was insignificant, or he thought it insignificant, as moulding his character when compared with his father's influence. Mr. Mill does not pretend to give a record of his personal life, but only a history of his mental growth and what was connected therewith. But the fact that his mother is not spoken of by him in his *Autobiography* does not warrant us in assuming that she was a nonentity so far as influence on his life was concerned.

So much for President Porter's assertions and innuendoes in relation to the early training of John Stuart Mill. A word, now, upon the question of the actual existence of some of those traits like obtuseness, conceit, perversity of apprehension and others which President Porter believes he possessed as derived from the ill-advised course of his early education. His reviewer considers Mill to have been "persistently obstinate;" "entirely incapable of looking at a subject from the standpoint of another mind," "a narrow and splenetic dogmatist;" "had never the capacity to look at any argument from any other point of view than that which his own philosophy permitted;" "to have lacked in great measure the capacity to be suspicious of his own positions, or to act the part of a critic upon himself;" his mind "plastic in the hands of others, but unchangeable when left to itself;" "ready to receive impressions and yet persistent to retain them;" "claimed to be so progressive and yet made so little progress." Whatever actually may have been the capacity of Mr. Mill to understand himself, his own acts and motives, he evidently tried to be both appreciative of others and progressive in his own opinions, and thought he had "a mind which was always pressing forward, equally ready to learn and to unlearn either from its own thoughts or from those of others." \*

On reading the foregoing asseverations of President Porter, a person cannot help wondering how such a view of Mr. Mill can be reconciled with those other statements wherein stress is

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\* *Autobiography*, p. 2.

laid upon his peculiarities as a remarkably patient and thorough, as well as acute, analyst. How a man could be persistent to retain impressions, unchangeable when left to himself, and without capacity to be suspicious of his own positions, and at the same time a person with habits of such unwearied and thorough analysis of most questions presented to his mind, is not so obvious as to require no explanation. Perhaps President Porter means that he was only a patient analyzer of opinions against which he had a prejudice, and was disposed to retain persistently impressions once favorably received without analysis: but in such a case he would not be a thorough analyst. Or perhaps President Porter would imply that when, after examination, he once arrived at conclusions, he was obstinate in retaining them. If this be the reviewer's meaning, what is the propriety of setting so little value upon the processes of investigation and analysis by which this so patient and acute analyst and logician arrived at his conclusions, if he was indeed an investigator of such high order? And if he was, why should he not have been obstinate in retaining his conclusions when he reached them? I am sure no fault can be found with a man for adhering to his convictions, especially when those convictions have been reached through a degree of careful study which only few men ever give to any subject. What could President Porter expect, but that a scholar and a thinker would and should be persistent to retain his conclusions, when those conclusions by which he is known to the world, having undergone the growth, modification, correction and settlement of at least twenty years' thought and experience of active life, are published after the author has reached thirty-five years of age? That there were such changes and modifications Dr. Porter (coincidentally with the critic in *Fraser's*) admits and avers, even to the extent of charging, in another part of the same paper, "a hazy and unsettled mind which was determined to adhere to its original bent even against its underlying convictions that its grounds might not have been thoroughly examined or were not thoroughly trustworthy."

How a mind "incapable of looking at a subject from the

stand-point of another mind" and without "the capacity to be suspicious of its own positions" ever could become "unsettled" or have "underlying convictions that its grounds might not have been thoroughly examined or were not thoroughly trustworthy," is another of those unique problems with which President Porter seems so fond of perplexing his readers. Mr. Mill himself supposed he had a mind so ready to apprehend the arguments and ideas of other people, that he says, had it not been for his wife's influence there would have been danger of his yielding too much to the influence of thinkers opposed to him.\* But, not to take Mill's estimate of himself, judging from evidence his works afford, there is scarcely a controversialist known to history who has shown a greater capacity for placing himself in the position of another mind, to grasp subjects from another's point of view. The instances in which he misstates the position of antagonists are rare, and the cases in which he fails to apprehend his opponent's apparent meaning still rarer; though, acute and fundamental as he was in analyzing the arguments of others, he was as unsparing in his exposure of what he deemed their errors. Men, when they are cornered in an argument, are very apt to say they did not mean thus and thus. Perhaps they did not see before what was involved in their ideas; but when they have come to see it and have shifted their ground, modifying their opinion or the expression of it, to say they were not understood is only an evasion. To be sure, now that they have found a better statement, or think they have, or have abandoned the former,—judged by their changed position they *are* not understood, but they have no right to claim that originally they were misunderstood. They were understood and exposed, and that is what makes them so sensitive.

\* "There was a moment in my mental progress when I might easily have fallen into a tendency toward over government both social and political; as there was also a moment when by reaction from a contrary excess I might have become a less thorough radical and democrat than I am. In both these points as in many others she benefited me by keeping me right when I was right as by leading me to new truths and ridding me of errors. My great readiness and eagerness to learn from everybody and to make room in my opinions for every new acquisition by adjusting the old and the new to one another, might, but for her steadying influence, have reduced me into modifying my early opinions too much."—*Autobiography*, p. 252.

I am quite aware that what has just been said in regard to the powers of Mr. Mill to grasp the ideas of opponents and put himself in their place is assertion and not proof; but inasmuch as there are only assertions to contend against, from a tolerably thorough acquaintance with Mr. Mill's works and with the philosophical opinions which he opposes, it may not be hazardous to make those affirmations. When President Porter adduces cases to prove his declarations, it will be time enough to examine particular instances of agreement or disagreement between the real opinions of philosophers and Mr. Mill's representations of those opinions. Of course, it is not altogether possible for a man to enter fully into the spirit of a method of philosophizing totally different from his own; and since language is imperfect and people sometimes cannot and often do not express exactly what they mean or all they mean, a completely adequate comprehension of an opponent is not usually practicable. But it is competent to examine carefully and fairly the words of antagonists, and by thorough analysis to find out what *those words* mean, without perverting their meaning. This Mr. Mill has done with a degree of candor and faithfulness rarely equalled.

We now turn very naturally to resume our consideration of those charges of "conceit," "ungenerous" and "supercilious" treatment of eminent men, "lack of reverence for the gifted minds of the past," and "want of affectionate sympathy and reverential appreciation of contemporaries"—all of which President Porter brings to Mr. Mill's door. It will be recollected that these accusations are enforced by a reference to Sir William Hamilton, one passage of which has already been quoted, and another of which is the following:

"It is not surprising [in view of the flattery lavished upon Mill] that when he gave himself deliberately to the work of criticising and refuting the metaphysician who had been foremost in reputation in Great Britain, he should have assumed airs which his own well-schooled habits of decorum did not altogether conceal, and should have presumed not a little upon his own inattention, or that of the public, to the defects of his own philosophical system in which he had learned by the deference of others to place such implicit and presumptuous confidence."

In this passage the critic seems to regard Mill's mind as quite the reverse of "hazy and unsettled;" and moreover supposes another source of that implicit confidence in his own philosophical system than early-formed habits of dogmatic reliance on his own conclusions, unchangeableness of mind and persistent obstinacy. In regard to those strictures on Hamilton which it may be supposed gave rise to President Porter's remark, the impression, as I conceive, which one who is not frightened at the very idea of expressing a difference of opinion would derive from reading his book, is one of a very complete and penetrating investigation into the meaning of some important principles and hypotheses of Sir William Hamilton's philosophy, and with it of a sharp and sometimes caustic expression of the defects which the examiner found. Yet I have never seen anywhere in the book evidence of putting on "airs," or of supercilious or conceited reliance upon the author's own superiority. At the risk of being charged with tediousness, I will here quote portions of Mr. Mill's own account of the circumstances which led to the examination of Sir W. Hamilton's philosophy, attaching disconnected passages to give a more condensed form than the pages of the *Autobiography* present, but still in such a manner as to exhibit Mr. Mill's own story in all its important details. This account, as it seems to me, gives an ample explanation of all that requires explanation or apology in regard to that work upon Hamilton to which President Porter makes reference.

"In particular I have long felt that the prevailing tendency to regard all the marked distinctions of human character as innate and in the main indelible, and to ignore the irresistible proofs that by far the greater part of those differences \* \* \* are such as not only might but naturally would be produced by differences in circumstances, is one of the chief hindrances to the rational treatment of great social questions and one of the greatest stumbling-blocks to human improvement. \* \* \* Considering then the writings and fame of Sir W. Hamilton as the great fortress of the intuitional philosophy in this country, a fortress the more formidable from the imposing character and the in many respects great personal merits and mental endowments of the man, I thought it might be a real service to philosophy to attempt a thorough examination of all his most important doctrines and an estimate of his general claims to eminence as a philosopher, and I was con-



firmed in this resolution by observing that in the writings of at least one, and him one of the ablest of Sir W. Hamilton's followers, his peculiar doctrines were made the justification of a view of religion which I hold to be profoundly immoral—that it is our duty to bow down in worship before a Being whose moral attributes are affirmed to be unknowable by us, and to be perhaps extremely different from those which, when we are speaking of our fellow-creatures, we call by the same names. As I advanced in my task, the damage to Sir W. Hamilton's reputation became greater than I at first expected, through the almost incredible multitude of inconsistencies which showed themselves on comparing different passages with one another. It was my business, however, to show things exactly as they were and I did not flinch from it. I endeavored always to treat the philosopher whom I criticised, with the most scrupulous fairness, and I knew that he had abundance of disciples and admirers to correct me if I ever unintentionally did him injustice. \* \* \* On the whole the book has done its work: it has shown the weak side of Sir William Hamilton and has reduced his too great philosophical reputation within more moderate bounds; and by some of its discussions, as well as by two expository chapters on the notions of matter and of the mind, it has perhaps thrown additional light on some of the disputed questions in the domain of psychology and metaphysics.”\*

While it is undoubtedly true, as President Porter suggests, that Hamilton wrote his lectures under some disadvantages and therefore is not to be considered as morally culpable for imperfections and inaccuracies, it would be a strange argument that because excuse can be found for a failure, complete or partial, it is therefore to be concluded that there is no failure at all, and that it is “ungenerous” to attempt to discover one. A member of Congress intending to speak on the currency question, amid the pressure of other duties and on account of ill-health may have made an inadequate preparation and may have fallen into mistakes of fact or drawn unwarranted conclusions; but is it not legitimate for his mistakes to be corrected and his fallacies to be exposed by another speaker? And is that speaker to be estopped from doing this effectively by a fear that to do so will indicate a want of “any magnanimous appreciation” of the other’s “intellectual or personal superiority?” And are “appreciation of superiority,” “generosity” and “respect,” traits so uncommon that a person,

when speaking or writing, is obliged to dwell upon them constantly, lest, in the absence of their expression, it will be presumed that they are absent in mind and heart?

At this moment of writing, no other one of the "gifted minds of the past" is recalled toward whom Mr. Mill might have been suspected of entertaining any more irreverence than people ordinarily entertain in their varying judgments of greatness and littleness. Among contemporaries, the most notable opponent was Dr. Whewell, with whom he was very frequently at variance. In a controversial article published in the *Westminster Review* for October, 1852, and afterwards in a volume of *Dissertations and Discussions*, Mr. Mill reviews two works of Dr. Whewell on moral philosophy, and handles them rather severely. For his "asperity of tone" he apologizes in the preface to the *Dissertations and Discussions*, on the ground that, in what may be supposed to be this article and in one other of the same series, he was defending maligned doctrines, and individuals misrepresented and needing emphatic defence; also on the ground that his adversaries, "men not themselves remarkable for mild treatment of opponents," are quite capable of holding their own in any form of reviewing or pamphleteering polemics. But in general, when Mill makes allusion to Dr. Whewell, it is with expressions of consideration, of praise and even of thanks, unmistakably generous and sincere. In the *System of Logic*, in passages too numerous to quote, and more than once, though not so pointedly, in the *Autobiography*, has he borne witness in terms indicative of strong feeling to the high opinion he holds of that philosopher and of his own obligations to him.\*

Of the judgments passed in the *Autobiography* upon various men of Mill's times, it would not be rash to suppose that President Porter was especially disturbed by the remarks made upon Mr. Maurice, in whom Mill esteems that "there was more intellectual power wasted" than in any of his contemporaries. The reason why Mill considers it wasted is that Maurice possessed a "timidity of conscience combined

\* See *System of Logic* (Harper's Ed., 1846), Pref., p. iv; also pp. 36, 103, 152-3, 161, 172, 178, 180, 297, 422, 426, 437. *Autobiography*, pp. 208, 223.

with original sensitiveness of temperament" which made him anxious to "prove to his own mind that the Church of England had known everything from the first and that all the truths on the ground of which the Church and orthodoxy have been attacked (many of which he saw as clearly as any one) are not only consistent with the Thirty-nine Articles, but are better understood and expressed in those Articles than by any one who rejects them." Undoubtedly, his reviewer would regard this as an instance where Mill's judgment was biased by anti-Christian prejudice. But Mr. Mill also remarks: "I have so deep a respect for Maurice's character and purposes as well as for his great mental gifts that it is with some unwillingness I say anything which may seem to place him on a less high eminence than I would gladly be able to accord to him;" while in a subsequent passage Mill ranks him in regard to intellectual powers as greatly superior to Coleridge. Perhaps President Porter would hold this to be one of those "studiously paradoxical and depreciating" judgments of contemporaries that seem to impress themselves so strongly upon that gentleman's mind. But (taking Mr. Maurice as a fair illustration) when Mr. Mill says he has a deep respect for a man, what facts in Mill's character or life has President Porter found to warrant the supposition that, under cover of pretensions of esteem, he is principally endeavoring to indulge a cold and bitter cynicism?

As exhibiting a view entirely opposite, it would be well to note the uniform testimony of those who were brought into the closest personal relations with Mr. Mill, so far as they have given testimony. They bear witness to a very different personal character from that assumed by his critic, who so thoroughly abhors a "want of affectionate sympathy with and reverential appreciation of" gifted minds. H. R. Fox-Bourne, in a little sketch of Mill's life, which was afterwards published with others in a *Memorial Volume*,\* in language touchingly affectionate bears witness to Mill's charity toward others and his modesty concerning his own attainments. "He never

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\* From this *Memorial Volume* most of the following quotations illustrating Mill's personal character are taken, as also are some others farther on.

boasted, and he despised no one." "His genial and graceful bearing towards every one who came near him must be within the knowledge of very many who will read these columns." W. T. Thornton tells us how, in the India House, for a year Mr. Mill preserved for him his position by assuming his duties, when he was compelled to relinquish them on account of physical weakness, and then asks: "Is it wonderful that such a man, supposed by those who did not know him to be cold, stern, and dry, should have been enthusiastically beloved by those who did?" "Differences of opinion," says Mr. Thornton, "we had in abundance; but my open avowal of them was always recognized by him as one of the strongest proofs of respect, and served to cement instead of weakening our attachment." Remarks Herbert Spencer: "A generosity that might almost be called romantic was obviously the feeling prompting sundry of those courses of action which have been commented upon as errors. \* \* \* Mr. Mill was not one of those who, to sympathy with their fellow men in the abstract join indifference to them in the concrete. There came from him generous acts that corresponded with his generous sentiments. \* \* \* Evidently, along with his own unswerving allegiance to truth, there was in Mr. Mill an unusual power of appreciating in others a like conscientiousness and so of suppressing any feeling of irritation produced by difference—suppressing it, not in appearance only but in reality, and that too under the most trying circumstances." These observations are enforced by instances amply corroborative, but which need not be cited here. And finally, in almost amusing contradiction of President Porter, we read the words of Henry Fawcett: "There is nothing so abhorrent to him as that bigotry which prevents a man appreciating what is just and true in the opinions of those who differ from him." "No more fitting homage can probably be offered to the memory of one to whom so many of us are bound by the strong ties of gratitude and affection, than if, profiting by his example, we endeavor to remember that above all things he was just to his opponents, that he appreciated opinions from which he differed, and that one of his highest claims to our admiration

was his general sympathy with all branches of knowledge."

These testimonials of friends certainly do not indicate any of that "cold and self-centred temper," of which the critic seems to find evidence. And that he had so many friends who entertained such an enthusiastic admiration for him, is no mean proof that his temperament was quite the reverse. A large proportion of these criticisms, indeed, reminds one of some of those passed upon Theodore Parker, that cold and bloodless infidel who was wont to preach dire heresy, and violate the Sabbath by carrying loaves of bread to the starving poor!

It provokes a smile to see the almost querulous way in which President Porter complains of Mill's inability "to know when he was fairly refuted." Though the illustration be a very old one, and though the parallel can be carried no farther, nevertheless the *spirit* exhibited by the reviewer seems exactly the same as that of the one juryman inveighing against his eleven obstinate associates.

"Slow to be convinced," says he, "and \* \* \* utterly insensible to the force of what seemed to others a conclusive demonstration that he was playing fast and loose with his own principles." "This essay [*i. e.* on *Nature*] seems to reflect the narrowest and the most acrid spirit of his unripe youth, as well as the bitterest prejudices against all who believe in God's goodness, which characterized his early manhood. It would seem that his temper must have been for the most part greatly disturbed, while he thought and wrote out this essay."

Without instituting any counter-inquiry as to the state of President Porter's digestion when he wrote out this criticism, and without comment upon the latter extract, I must be allowed to protest against the former. "*What seemed to others a conclusive demonstration,*"—to whom, pray? To what *others*? Do those who think with President Porter comprise all the *other* people in the world? And does that gentleman ignore the undoubtedly large number who agreed with Mill, and did not think he *was* refuted, or *was* "playing fast and loose with his own principles?" Or has the intuitional philosophy so thoroughly conquered its adversaries of the other school that Mr. Mill only remains, as a warning—

a lonely and unprotected forest pine, gaunt and grim, left standing after its fellows have been cut down, only to be pointed at as an object of wondering curiosity, and show by its contrast to the surroundings how complete has been the triumph of opposing forces! If not, why censure it as a reprehensible mental trait that he did not see his way clear to recede from positions carefully taken, and did not believe he was answered or overthrown? Condemn his opinions, if you will; call them false; controvert them by argument; refute them, if you can: but what possible reason can there be for lowering the worth of the man or the philosopher, not because the opinions are false, but because he held them conscientiously and, as he thought, intelligently? So to hold them was not a defect in Mr. Mill's intellectual or moral character; but his reviewer would, I can but think, lead most people to suppose that he so regards it.

In connection with these is another criticism that Dr. Porter makes upon Mill, which is the stock criticism of the vulgar upon philosophers; and it is, therefore, all the more surprising that it should be suggested by a cultured and scholarly man, especially as the assertion involved in it is not a true one. Says he:

"But the most signal and comprehensive defect in the intellectual character of Mr. Mill was his lack of common-sense, or his almost complete incapacity to judge of common things and common events and their relations to philosophic principles. This was not more apparent in his behavior in respect to some of the most obvious relations of human society and in his failure as a practical statesman, than it was in his discussion of fundamental truths in political and metaphysical philosophy."

The term *common-sense* is one of the most doubtful and ambiguous in use. It is not to be supposed that the critic intended here to employ it in any special sense, but rather in its loose popular signification of an ability to adapt one's self to existing circumstances, and to understand and deal with the ordinary practical affairs of life. If this surmise be the correct one, it might be permissible, perhaps, to raise the question whether it is common-sense at all that is brought into play in the discussion of fundamental truths of philosophy.

But if by common-sense is meant correct judgment of truths and principles, then the question is reopened as to what judgments are the correct ones; and until this be settled, it becomes a person to be careful about prematurely judging who has common-sense and who has not. Probably, however, President Porter's idea in the main is in accordance with the former supposition. Assuming this to be so, it is at least a little singular that a man destitute, or almost destitute, of capacity to judge of common things and common events, should have had those two peculiar and remarkable traits which President Porter considers to lie at the foundation of Mill's popularity and influence; or, indeed, that he should have had any popularity and influence at all:—

"The one was that he uniformly devoted himself to the discussion of subjects of practical and present interest; the other that he as uniformly aimed to discuss them in a style which could be readily apprehended and followed by intelligent men, and sedulously avoided the language and methods of the schools."

He studied for practical ends; his writings were timely in the sense of meeting a popular demand:

"Not only did Mr. Mill uniformly write upon topics of present interest, but he uniformly preferred the language of common life to the language of the schools."

Mr. Mill, then, according to his critic, studied for practical ends; used common language; won his popularity by what the people esteemed a successful dealing with practical topics,—and yet was without much common-sense or capacity to judge of common things and common events. Moreover, examining, irrespective of President Porter's statements, the facts of Mill's life, we are forced to a conclusion very different from the reviewer's, as quoted above.

Even if a lack of a sense of the humorous were a sure criterion by which to judge of the lack of common-sense, it is certain that President Porter could not substantiate his implications that Mill was destitute of such a sense. Indeed he does not *assert* that, but leaves it to be inferred. What he does say is:—"Scarcely a trace of humor is to be discerned in Mr. Mill's writings." But in order that such a statement may have any force, it must mean that Mr. Mill



himself had little sense of humor; for, that a man did not write in humorous language would not prove that he had no sense of humor. He might have spent his life in writing mathematical treatises, and if the world had only those treatises it might never know he was a humorous man, though in private life he were a veritable laughing philosopher. The most of Mill's works were scientific treatises in form, and in them humor would have been out of place, or at least not a necessary accompaniment. I do not discover in the *Human Intellect* very many traces of a sense of humor, but its author would regard it as very hard if therefore we were to argue that he had no common-sense! Nor would such an inference be justifiable if the essays we are reviewing had no such traces, though here they are found. Nor because, in Mr. Mill's reviews and discussions I do not discover indications of this sort, can I consider myself authorized to say such a thing of Mr. Mill. When an author essays to treat subjects in an argumentative way, there is certainly sufficient opportunity for revealing a capacity for humor if he chooses to avail himself thereof. But if he do so, he will be very apt to exhibit it in more or less direct ridicule of his antagonists, thus inclining readers to overlook the absence of sound reasons in the speaker and to underrate the strength of his opponent's reasons; and this is not a commendable method of warfare. Moreover, if a person becomes schooled in habits of logical thought and in the exercise of the ratiocinative processes of the mind, few will be disposed to deny that he diminishes somewhat his capacity for viewing things in humorous lights. If, therefore, it be asserted that a lack of humor indicates a lack of sense of humor, and thus a lack of common-sense, it must also be allowed that a cultivation of habits of logical thought diminishes a person's ability to understand common things and common events; and such a conclusion would not readily find favor. Undoubtedly, it does lessen in a degree the capacity to view common things and common events in their merely common aspects and relations by diminishing the tendency and the habit so to view them. But this hardly could be esteemed a disadvantage to a philosopher. Rather, I should say, it is a prime requisite to becoming a philosopher at all.

Any well-disciplined person, as appears from reasons already given, or others, could easily accustom himself in writing works of greater pretension, or in magazine and review articles, to treat subjects in a plain, critical, argumentative manner, and yet, as before said, be fully capable of appreciating humor and even of ordinarily looking at things in their humorous lights. It is hence entirely unsafe to infer from the absence of humor in Mr. Mill's writings that he was destitute of a sense of the humorous. To determine in regard to that, we can only resort to the philosopher's every-day life. I remember reading, when Mr. Mill was in the House of Commons, a letter from England, published in some New York paper, I think, in which the writer, speaking of Parliament and the characteristics of its members, alluded to Mr. Mill as keeping his immediate neighborhood in the House in a state of continual merriment by his witty remarks and humorous comments on what was passing. Mrs. Grote, in at least one instance, alludes to the playful ways of "John Mill;" and an English reviewer\* speaks of the keen delight with which Mr. Mill entered into the pleasures of a continental excursion wherein he was the life and soul of the party. H. R. Fox-Bourne, in the sketch before quoted from, says: "We shall not here dilate upon those minor qualities of mind and heart that made Mr. Mill's society so charming to all who were fortunate enough to have any share in it." I have also, in a private letter from Miss Helen Taylor, step-daughter of Mr. Mill, in response to my specific inquiry, the following words:

"I can state at once that his sense of humor was remarkable and a constant characteristic, enlivening his conversation, which with his intimates was habitually cheerful. I think a perusal of his writings by any one whose sense of the value of words is keen, will be quite enough to furnish ample evidence of humor; it peeps out in sly hits at prevailing follies of thought, which, although often such as can only be appreciated by the highly trained mind, are not the less distinctly humorous in their character. It is difficult to read a dozen pages even of its most serious writings without coming across these evidences of his sense of the humorous in the intellectual and moral vagaries of mankind."

These instances are sufficient; and they render it incumbent

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\* In the *Westminster Review*.

upon us to make a more careful and thorough examination of the facts of Mr. Mill's life and personal character as set forth by those who knew him best, before we accept President Porter's conclusion that he had little sense of humor.

But, passing to more important evidences of the entire erroneoussness of President Porter's criticism that Mill had no common-sense, I should like to inquire how it would be possible for a man nearly destitute of it to rise step by step from a mere clerkship to one of the highest positions in the India House. In this business, "for three and twenty years \* \* \* he had \* \* \* immediate charge of the political department and had written almost every 'political' despatch of any importance that conveyed the instructions of the merchant-princes of Leadenhall Street to their proconsuls in Asia." \* A business success surely does not argue lack of common-sense; and in how many thousands of ways must Mill, in his position, have been forced to employ just those qualities which President Porter affirms he did not possess! How many times, then, must he have been obliged to subordinate his "theories" to the exigencies of the moment; and how fully he must have repressed his own "persistent obstinacy" and conformed his own will to the wishes and mandates of his employers! When he retired on a pension, strenuous efforts were made to induce him to return to the employment in which he had so distinguished himself. The success of Mr. Mill in the India House is in itself a sufficient answer to Dr. Porter's charge of a lack of common-sense.

Moreover, in Mr. Mill's writings, as Miss Taylor remarks, there is abundant evidence of just that ability to judge of practical things which his critic fails to discover. In the *System of Logic*, the course of the argument in some places deals largely with familiar facts, and aside from this proof that he had *knowledge* of common things, here and there scattered through the book will be noticed multitudes of side remarks and *obiter* criticisms that reveal a mind at least ordinarily capable of appreciating the relations of practical truths and common things. If President Porter desires specifications, let

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\* W. T. Thornton.

him reëxamine the chapters on terminology, nomenclature and classification, and the book on fallacies. And what indeed has been held by some competent critics to be the distinguishing merit of Mill's *Political Economy*? What, but that he has made it a work of practical applications of principles? "In Mill's exposition, the connection between principles and facts becomes clear and intelligible. The conditions and modes of action are exhibited by which human wants and desires—the motive powers of industry—come to issue in the actual phenomena of wealth, and political economy becomes a system of doctrines susceptible of direct application to human affairs." \* Similar remarks have been made in relation, and are applicable, to the *Considerations on Representative Government*, and still more to another work to which we shall make allusion farther on.

Again, did it not require some sense to keep a man of great philosophical reputation from airing his ideas with considerable frequency in the House of Commons as one question and another came up for discussion? Was it evidence of little practical wisdom that, as he tells us, Mill determined to let alone what others were doing well, and that he conceived the use of his being in Parliament was "to do work which others were not able or not willing to do?" President Porter assumes Mill's failure as a practical statesman. If failure to be re-elected to Parliament be failure as a statesman, then Mill certainly failed. If failure to secure the adoption of certain particular measures be such failure, he also failed. If failure to devote himself blindly and consistently to party interest be such failure, he undoubtedly failed, though President Porter considers him as being in his character "essentially partisan." If, however, a consistent and unwavering adherence to principle, to the extent of being willing to lose his seat rather than spend money or cater to the notions of his party in order to secure it; if being always listened to with respect in the House; if bringing by his advocacy some questions of material reform forcibly and prominently before the people; if calming down a mob of angry working-people to decency and

\* Prof. J. C. Cairnes.

order; if doing thorough and effective work in committees; if being largely instrumental in occasioning a powerful attempt to bring to justice a barbarous territorial governor; if being so much in favor that, on defeat at Westminster, "three or four" constituencies desired to bring him forward as their candidate—if all these things may be taken as indications of success as a "practical statesman," we are entitled to receive them and may well hesitate before we agree with President Porter that here Mr. Mill failed.

It is quite useless to attempt dissociating President Porter's criticisms on Mill as a philosopher from implied criticisms upon Mill as a man. Interspersed with strictures upon Mill's philosophical methods, observations continually occur upon the personal character of the man, or assertions which, if they have any meaning at all, must be taken as criticisms upon his general character. And the quotations before given are amply sufficient to show that many of President Porter's remarks are not upon the philosophy, upon the defects of philosophical methods, or even upon the position and character of Mr. Mill as a philosopher; but upon the general character of his mental constitution which is inseparably associated with the general character of the man. But, in some portions of his essays, the critic enters more purely into discussions of what he esteems errors and defects in Mr. Mill's philosophy and philosophical methods; this is especially the case in the second paper, upon Mill considered as a religious philosopher. Many of these criticisms are worthy of attention and are entitled to respect as the fair criticisms of one of an opposite school. These it is not the purpose of this article to review; to review them with thoroughness would require a more extended discussion of both Mr. Mill's and President Porter's philosophies than our limits would allow. Indeed, had the latter confined himself to criticism of this sort, instead of making so many inconsistent and erroneous statements in regard to Mr. Mill's character and habits of mind; had he shown any "magnanimous appreciation" of Mr. Mill's "intellectual or personal superiority"; had he exhibited the spirit of "a broad-minded inquirer" and a "deep-minded inter-

preter" of human character; and had he not, "by his own showing," failed to free himself from the narrowness of that "dogmatic and ill-concealed contempt" in which he appears to hold those "speculations and faiths" which differ from his own, there would have been no motive to the writer of this present discussion to take his pen. Under such a purpose, therefore, as is here implied and has been elsewhere stated, there remains nothing more to do except to speak of some omissions which it is necessary to supply in order to correct, positively, the estimate President Porter seems to have made of Mr. Mill, in the belief that in supplying those omissions we shall discover the principal secret of the critic's failure to comprehend the power of that philosopher and his great merit.

President Porter has taken almost no account whatever of the importance of Mr. Mill's services as a political and social philosopher. One phase of these deserves preëminent mention, and there are other phases of no little consequence. The principle upon which the United States government was avowedly founded is the idea of liberty—an idea which is still supposed to lie at the foundations of our institutions, and which in every country in the civilized world is at least lurking in the minds of immense masses of the people. What liberty is, and what it means, have been and are questions as perplexing as important. Among every people on the face of the globe the idea of liberty is in process of evolution, and the problems of liberty are among most peoples already in process of discussion. In one place, the liberty of a single person only is acknowledged as a necessary principle; in another the liberty of a few is maintained. Among one people it is considered that one or a few have complete and unrestrained liberty; with another that they have only liberty to do some things. Some, in the more advanced nations, uphold the liberty of all alike to do certain things and no liberty to do others; and there have not been wanting those who have claimed that each man has liberty to do anything and everything that he may choose, provided he can physically accomplish it. While, under control of the idea of an extension of liberty, great progress

oftentimes has been made; in other cases, under plea of liberty, the most fatal and terrible consequences have ensued. Thus, to analyze and define the notion of liberty has been an exceedingly important subject of investigation and study. Christianity has been the most powerful instrument in disseminating the influence of a principle that promises satisfactorily to solve the questions connected with the limitations of liberty—that principle which the Golden Rule broadly enunciates, namely, that no man has a right to use his liberty to another's hurt. The language of the Golden Rule, to be sure, is that of a precept of duty; but liberty and duty are correlatives. Nevertheless, despite the progress of Christianity, there are many who not only will not accept principles that come from religion and religious teachers, but with whom the fact that they are associated with religious ideas stamps almost with infamy the principles themselves. In political and governmental management, religion and ideas clothed in the garb of religion, or advanced under religious auspices are not, as yet, specifically allowed weight. If a man without any collusion with religious movements, and much more, if considered in many respects hostile to present phases of religion, is able to proclaim in clear and convincing expositions and arguments a cardinal principle of truth which has been fought for and still is the battle-ery of religion, how valuable a service both to the cause of truth and the cause of religion is rendered!

Just such a service as this Mr. Mill has done in his strong advocacy of the principle of *nulli nocendum* as a limitation to the principle of liberty. Perhaps some would think that an advocacy or establishment of truth by an "atheist" would be worse than no advocacy or establishment of it at all; but it cannot be believed that many intelligent men still cling to that absurdity. Perhaps, too, some, and probably many, still doubting if any good can come out of the Nazareth of "infidelity," might consider that it would be useless for men to adopt such a principle unless they first saw it through the media of conversion to peculiar forms of belief. But it would be difficult to show that if the Golden Rule principle, as a



principle of liberty and duty, is to render mankind perfect, it makes a great deal of difference (except in the matter of ease or difficulty) by what road its practical adoption is reached, and still more difficult to show how a person coming to embrace that principle, theoretically and practically, and to rely on it as a rule of faith and practice, could be other than Christian so far forth as that principle covers the essential characteristics of Christianity. And indeed the union of the Christian and unchristian world can only occur by eliminating as non-essential a large portion of doctrines now held as essential by Christianity, and by discovering the principles which are necessary to the full development of humanity to its proper end. Once found and acknowledged, whether by secularism or by Christianity, upon them union can be effected. Since, however, there still exists a strong antagonism between searchers for truth through religion and searchers for truth outside of religion, so strong and bitter oftentimes that neither party will allow to the other merit for having attained any truth at all, or even for having any honest motives in its pursuit, it would seem to be of the highest importance that the principle of liberty should be so applied as to make possible a free and untrammelled search for truth to be prosecuted in any and all directions. In many places, it is permissible for a person to think what he pleases, but not to speak what he pleases, even if his words do not cause direct injury to others, or in any wise do others injustice. In some localities a person will not be subjected to bodily punishment if he expresses his opinions, but will be visited with social scorn and contumely, affecting him indirectly in many hurtful ways. But if truth is ever to be found and the world is to be unified under its influence, it is indispensable that men should be encouraged instead of being repressed in a thorough and earnest pursuit of knowledge. Socrates was right when he told the Athenians that, instead of condemning him, they ought to maintain him at public expense.

If, then, the foregoing considerations be not erroneous, when there arises one who sees their truth and, both by powerful words and influential example, is able to impress

their truth upon the world, the degree of importance of such a philosopher's labors is no inconsiderable one. This meed can be fairly awarded to John Stuart Mill, and in no one of the many directions in which he exerted his activity has he done more marked and more efficient service for humanity. And it is probably true that, as he himself affirms, with a single reservation his own and his wife's joint-essay on *Liberty* will be likely to survive longer than any other of his works. Survive why? "Why has Platonism survived?" asked the inquirer; and the critic replied: "Platonism is immortal because its principles are immortal in the human intellect and heart."

As closely connected with this subject may be noticed the signal value of Mr. Mill's views in regard to the emancipation of women. Whatever conclusion may be reached with regard to the reforms which it may be desirable to make in the present status of women, it is no less true that, as a fact, one-half of the human race is in a state of subjection. This fact cannot be ignored; and such a phenomenon in view of other applications of the doctrine of liberty is worthy of careful attention. Though it might seem a strange thing to one not bearing in mind the course of human history, it is generally hardest of all, not to effect reforms when they are started, but to get people seriously to ask the question whether there is any need of reform. Therefore, when Mr. Mill and his wife wrote the treatise on the *Subjection of Women*, which has been so extensively read; and when the former, by a motion to extend the suffrage to women, brought out eighty votes in the Commons in favor of that project, and thus convinced people that the question must be met and fairly debated, are we not to consider Mr. Mill as entitled to the commendation of truth-loving and earnest men?

No one who has given attention to the subjects connected with government can fail to be struck with the imperfections of past and existing systems of representation. The "tyranny of the majority" in the American system of government was adverted to as a probable danger to the Republic as early as the writings of De Toequeville. Not less

now than at that time, both in England and America is this difficulty a real one in the administration of representative government. When, therefore, Mr. Hare suggested his plan of personal representation, for a mind like Mr. Mill's to seize the idea contained in that system and hold it up to the consideration of the world, and, moreover, to advance it to the notice of Parliament, was a service of no little value. Of modern political philosophers of great reputation, there is not one who has so clearly, so earnestly and so pointedly exposed the unreasonableness of the despotism of majorities—a despotism, not because they rule, but because they prevent minorities from being heard and from becoming majorities, and thus set themselves as barriers to progress.

It would not be difficult to cite many other of Mr. Mill's eminent contributions both to political and social science, and to political and social progress. His thoughts on non-intervention and on international morality; on the incompetency of law-makers and the remedy; on the iniquity of the slave-power; on some questions in jurisprudence and finance; and especially on the problems affecting political economy and the interests of the laboring classes, for breadth of view, for catholicity of sentiment as well as for acuteness of observation, of judgment, of reasoning, entitle their author to more than honorable mention in this great department of human thought and activity. And yet President Porter says:

"This philosophy \* \* \* was conceived in the spirit of partisanship and not of research. Mill was a well-trained logician, but not an accomplished philosopher. He was an effective advocate and a skilful expounder, but he was neither a broad-minded inquirer nor a deep-minded interpreter of the constitution of the universe or the soul of man."

It is certainly much to be wished that the reviewer had given us his ideas of what constitutes both "an accomplished philosopher" and "a broad-minded inquirer."

An examination of this branch of Mill's work in life thus still more unmistakably reveals the phase of his character as a universal philosopher which has been wholly overlooked or utterly ignored by President Porter, so far as the articles

before us indicate, excepting perhaps in the concluding paragraphs of the last one, where the reviewer seems to soften toward the reviewed. And in this omission, as it seems to me, may be discovered the source of nearly all the errors into which President Porter has fallen. He has taken no account whatever of the deep moral earnestness which pervaded John Stuart Mill's character—an earnestness exemplified alike in his study and investigation; in his writings and expositions; in his social, his business and his political life. He cannot understand how there is any commendable earnestness of life possible that is not associated with a religious purpose. He thinks Mill had not the redeeming quality of "an absorbing enthusiasm that caused him to forget himself in his interest for his cause." To many, and among them those who knew him best, it appeared that Mill's whole life was characterized by a devoted enthusiasm for the cause of human enlightenment and progress. "It might indeed have been supposed that even those who never enjoyed the pleasure of a personal acquaintance with Mr. Mill would have been impressed with the nobility of his nature as indicated in his opinions and deeds. How entirely his public career has been determined by a pure and strong sympathy for his fellow men; how entirely this sympathy has subordinated all desires for personal advantage; how little even the fear of being injured in reputation or position has deterred him from taking the course which he thought equitable and generous—ought to be manifest to every antagonist, however bitter. \* \* \* Extreme desire to further human welfare was that to which he sacrificed himself." \* "He united in an extraordinary degree an intense delight in thinking for its own sake with an almost passionate desire to make his intellectual excursions contribute to the amelioration of the lot of mankind, especially the poorer and suffering part of mankind."† "We reverence that unfaltering fearlessness of spirit, that warmth of generous emotion, that guileless simplicity of nature that made his life

\* *Memorial Volume.* Herbert Spencer, *Moral Character of J. S. Mill.*

† *Id.* W. A. Hunter, *His Studies in Morals and Jurisprudence.*

heroic. Neither insult, failure, nor abandonment could shake his sense of duty or touch his gentle and serene fortitude." \*

It seems to me that one who reads more than superficially the history of Mill's life, whether penned by himself or written by friends or by foes, cannot avoid beholding, as the inspiring force of his whole life, a controlling, enthusiastic, persistent devotion to what he deemed the interest of mankind. This tremendous power of earnestness is sufficient to explain alike those qualities which gained him the approval of men and those which brought upon him their reprobation; and throws a vast deal of light upon those traits and acts in which a want of appreciation of this moral enthusiasm has caused blind critics to misunderstand him. A more thorough and discriminating examination of his character and life enables us to recognize as his animating spirit a loftiness of aim that passes ordinary experience—the same spirit that filled Paul as he preached to the scoffing Athenians from the Bema and that sent him on his gospel errand over unknown seas to unknown lands; the spirit that possessed Luther when he raised his voice against the corruption of the Church; the same that inspired Orange, and Washington, and Andrea Doria as they battled for human freedom or wrought to preserve it; the same that gave energy, life, and success to the labors of Kepler, Newton, or Harvey, or Stephenson; of Plato, of Locke, or of Kant; the same that gave glory to Demosthenes, to Olden-Barneveldt, to Fox, to Cobden and to Sumner—a spirit of moral earnestness directed for its end toward human welfare; even the martyr's spirit. And of such has all true greatness consisted since the world began; and from it have grown all great men in whatsoever degree they have been great; and from it alone can such ever grow, and they alone it is who will be called forever blessed.

"No Winter can their laurels fade."

It is certainly to be regretted that President Porter did not confine himself to a criticism of Mill's philosophy; or, if he went beyond this, that he could not recognize in Mill more

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\* *Memorial Volume.* Frederic Harrison, *His Relations to Positivism.*

noble and worthy intellectual and moral characteristics, when a closer study of the latter's life and works might have indicated them, and when the overwhelming testimony of those who knew him, freely and enthusiastically accords them.

DANIEL GREENLEAF THOMPSON.

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## ART. VI.—VICTOR EMMANUEL AND ITALIAN UNIFICATION.

VICTOR EMMANUEL's chief glory consists in his having founded Italian nationality. To recall the principal events that marked his reign is to write the fairest among the fair pages of the history of Italy. For the success of the great king in founding his country's nationality redounds not only to his honor, but also to that of the Italian people; since no single man, however great, succeeds in so bold and difficult an enterprise, unless he finds ready followers; while the best dispositions of the multitudes are insufficient, except there arises one who incarnates in himself the public feeling and carries it into action. In the present instance both king and people were truly worthy of each other, and the work which they accomplished together is one of the greatest triumphs of justice and civilization in modern times.

Owing to the union and confidence between king and people, that which barely thirty years ago was but a collective name—but a geographical term, as the old Austrian minister was wont to call it—is now a free and respected nation. That which now appears an almost natural fact seems but a dream if we go back in thought to the time when Victor Emmanuel ascended the throne of the small kingdom of Sardinia, and consider that Italy was then divided into seven States—some actually, others virtually, under a foreign yoke.

Such a fact is all the more striking, since Italy was the first in this century to constitute herself and to become a nation, according to the modern conception of nationality. The origin of the present era may well be carried back two centuries, when the treaty of peace of 1648 formally sanctioned the division of Europe into great autonomous and



independent States; still, this was far from being the consecration of the true idea of nationality. That which we now call *nationality* and which alone deserves the name, is the offspring of the present century.

The occasion which gave form and substance to the idea of nationality, matured little by little in the minds of the learned and vaguely conceived by the people, was the reaction against the universal monarchy which was attempted by Napoleon the First. Who has forgotten the prodigies of valor to which the Napoleonic invasion gave rise from one end of Europe to the other? Spain, in defending her nationality, showed herself once more in nearly her ancient greatness. The Germans rose like one man for the defence of their fatherland. During the occupation of Berlin by the French armies, Fichte uttered the discourse so full of patriotic fire in which he made appeal to German feeling as a hope of salvation. Truly, this feeling had a mighty awaking on the Rhine!

Italy, too, so long deprived of her nationality, bent an eager ear to the fascinating word. The Archduke John of Austria, calling the peoples to arms, said: "Milanese, Tuscans, Venetians, Piedmontese, and you all, inhabitants of the Peninsula, do you wish to be Italians? Do you wish for a constitution in conformity with nature herself, with your true political state; for a constitution which would make the Italian lands prosper, and would keep aloof from you every foreign army? Arm yourselves and fight against Napoleon!"

Bentivegna, in 1813, visiting the Italian navies, held the same language. Nay, more; not content with words, he added a visible sign, and painted on the flag two hands clasped in token of friendship with the motto: *Independence of Italy*.

The Congress of Vienna crushed the hopes of Italy and replaced her under the tyranny of a native and a foreign yoke; but the national idea had penetrated into the hearts of the people, and slowly but deeply taken root. From that time there was a new breath of life, and the era of Italian resurrection began. The restoration of the old potentates was the signal for protestations and attempts at rising, which last, although smothered in blood by Austria, left indelible traces

of rancor and of hope. A net-work of secret societies was laid in the dark, and to the former ones was added that of the "Young Italy," with Giuseppe Mazzini at its head.

Certainly, one of the most striking and characteristic features of the Italian revolution is that Italy, which, with the exception of Piedmont, had no monarchical traditions but those of the various foreign yokes and knew no liberal aspirations but those nurtured by the radical sects and secret societies, should all at once have turned her thoughts on a monarchy, rested on it her dearest hopes and, closely allying herself with it, entrusted it with her future.

How can we deny that this fact does the greatest honor to Victor Emmanuel and to his dynasty? History tells us that the princes of the House of Savoy not only were in all ages a valiant race, but also that they were imbued with Italian feelings in times when it was dangerous for all, and more especially for princes, to profess such feelings.

During the three centuries of Italian decadence and of foreign preponderance in all Italy, that dynasty had trained its peoples to warlike pursuits, and cultivated their native qualities.

"In the western corner of Italy, beneath the hard Alps," writes Signor Minghetti, "a dynasty as ancient and illustrious as any other in Europe, celebrated for valor and for piety, after taking part in the most glorious enterprises of the Middle Ages in the East, gathered up, so to say, the wellnigh expiring Italian spirit, and with moral means and with military discipline began preparing from afar the advent of better times. As if the decadency of Italy was never to be entire, whilst the Peace of Cateau-Cambresis signs the end of the independence of the Italian States, Emmanuel Philibert wins the battle of Saint-Quentin and carries the seat of his States to Turin. From thence will one day be again undertaken the enterprise of the liberation of Italy, first under the form of a confederacy with Charles Albert, later under that of unity with Victor Emmanuel."\*

It was always instinctive in the bold race of Berold the Saxon and Humbert Biancamano to advance slowly across the Alps and, penetrating further into Italy, found by the force of weapons, by treaties and by family alliances, a

\* Minghetti, *Commemorazione di Vittorio Emanuele II.* 1879.

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dominion which increased day by day. Victor Amadeus II, Charles Emmanuel III, Victor Emmanuel I, and others, came out of the varied fortune of war with an enlargement of territory, thus putting in practice the saying of Victor Amadeus I, that Italy was "an artichoke to be eaten leaf by leaf." Perhaps it was a sign of the predestination of that race to reign over the whole of Italy!

Notwithstanding this, we can safely affirm that before Charles Albert, and perhaps not even then, no prince of that House ever entertained the thought of uniting all Italy under his sceptre. This is beyond all doubt, if we consider the political state of Italy, nay, of Piedmont, at the beginning of this century. To carry out openly a national plan, even less ambitious than this, it was requisite to have the courage of going not only against Austria, but also against the deeply-rooted prejudices of the higher classes of the Italian populations, not excepting Piedmont. History would give us the lie, did we assert that the longing after liberty was general in Italy at the dawn of our century. Liberalism was not dead, but it fared as best it could, and contented itself with the homage done it by a few superior minds.

Charles Albert was the first to conceive the great plan of delivering Italy from foreign yoke, if not of forming her into one State. Unfortunately, the means failed him. He planned, he plotted, he fought. His ready will, his courage were to no purpose. He was ill-understood and ill-recompensed by men and by fortune; but history will say that all his life he had only one thought—the independence of Italy. "My fondest wish," wrote he to the Marquis of Villamarina, "besides that of procuring every kind of good to our country, is to see a spirit of dignity and of national independence develop itself, which would give us an immense force should we ever be so fortunate as to be called upon to defend our nationality." To Massimo d'Azeglio, who spoke of the hopes which he and others rested on him, Charles Albert answered: "On the very first occasion my life, that of my sons, my arms, my treasures, everything will be given for the Italian cause."

In 1842, a hymn written by order of the same Charles

Albert for the army had excited the animosity of the Austrians, and some of them behaved insolently towards the inhabitants of a Piedmontese frontier village. The syndic and the judge having been weak enough to send back to their officers the soldiers who were under arrest, Charles Albert showed the utmost disapprobation of their conduct as contrary to the national honor, and wrote :

"Had the officer, in case of a refusal, dared to carry out his threat, the syndic ought to have had all the bells rung and made the whole population arise, and fall upon the Germans ; and, to speak of an impossibility, had he, in spite of this, been unable to succeed, oh ! then, it is I who should have made the bells ring from the Tessin to the last village of Savoy, and immediately have put myself at the head of the army and of all men of heart, and have attacked, if an embassy was not sent to me to make excuses and to give me every desirable satisfaction. Our army is smaller than theirs, but I know the heart of our men ; I should have raised the cry of the independence of Lombardy, and strong with the protection of God, I should have marched forward, and so am I still ready to do should it be necessary." \*

To such a father was born, twenty-two years earlier, he who, uniting the constancy of Emmanuel Philibert to the boldness of Charles Emmanuel I, was the personification of the great Italian revolution, and well worthy of becoming the first King of Italy and of being called the Father of the Country.

The mere name of Victor Emmanuel recalls to mind the road trodden by Italy from Novara to Rome. However short by the number of years, this road is long if we consider the marvellous events which marked it ; and it is rich in triumphs even more pacific than military, in precious conquests of civilization and social justice.

Victor Emmanuel was born on the 14th of March, 1820, when Charles Albert was but Prince of Carignano. It is well known that, a year later, this prince had to seek refuge with his father-in-law the Grand-Duke of Tuscany, owing to the failure of a liberal movement at the head of which he had put himself, and which had drawn down upon him the wrath of his uncle, King Charles Felix, the hatred of the retrogrades

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\* Ghiron : *Il Primo Rè d'Italia*.

and, still worse, the mistrust of the liberals.\* Victor Emmanuel had, so to say, taken in the first breath of the Italian revolution and begun his life in the midst of the first reverses of fortune. At his very birth he had imbibed that ardent love for Italy, that lively faith in liberty, that steady attachment to liberal institutions, of which his whole life furnished so many and striking proofs.

For an Italian prince, more than for any other, to be a patriot meant to be a warrior. From his earliest years Victor Emmanuel was remarkable for his warlike tastes. At the age of eleven he presented his father with two essays, one in Italian on the command of armies (*del comando degli eserciti*), the other in French on the life of Amadeus VI, surnamed the *Comte Verde* (the Green Count).

Owing to the Duke of Savoy's ever-increasing passion for everything relating to a soldier's life, his youth passed nearly unnoticed and altogether strange to politics, with which in fact Charles Albert liked to occupy himself almost exclusively. His absence from Court and his long-acquired habit of living unfettered by etiquette were not without utility for the young prince; they contributed to develop in him those manly virtues which he possessed in germ to so high a degree, and gave him that exact knowledge of men and things for which he was so remarkable. At twenty-two years of age he married his first cousin, Maria Adelaide, daughter of the Archduke Regnier of Austria and of Eliza of Carignano, a princess well fitted by her virtues to enter the royal House of Savoy, which counts amongst its members many examples of sanctity.

In 1848 a breath of liberty and of new life seemed to come from the Vatican. Charles Albert, having gifted his people with liberal reforms and proclaimed the constitutional statute, understood the impossibility of stopping short, and in answer to the call of the Milanese, who had just risen, declared war upon Austria.

\* The Piedmontese insurrection of 1821 was easily repressed, owing to its want of opinion and action; the same happened to the succeeding ones of Naples, Parma, Modena and, later, of the Romagna. But even these insurrections were not without utility to the Italian cause; the exiles and deaths which soon brought them to an end were far from valueless in keeping alight the flame of independence and preparing for its attainment.

Count Cesare Balbo, author of *Le Speranze d'Italia*, was at that great moment at the head of Charles Albert's first responsible ministry. The sitting at which the resolution of declaring war was taken, had been a long one. Balbo returned home amidst general applause. The crowd was dispersing in obedience to the minister's exhortations, when a person quickly stepped up to him. The person was so wrapped in a large mantle as to let only a part of his face be seen. Balbo turned towards him, saying: "What do you want with me?" The man, opening his mantle and stepping forward briskly answered: "Don't you recognize me? I come to beg you not to forget me when the companies of the army which is to cross the Ticino are formed." And with animated and anxious words he added: "Will I have a command? I beg of you, speak of it to my father immediately." It was Victor Emmanuel, Duke of Savoy. Balbo answered: "His Majesty intends giving a command to Your Highness. Be sure, the Duke of Savoy could not be, has not been, forgotten." The young prince shook hands with him heartily, wrapped himself again in his mantle and returned to the palace quite happy.

The Duke of Savoy, at the head of his corps, took part in the most important engagements of the first campaign. At Santa Lucia, at Goito as everywhere, he showed himself worthy of his ancestors. A year later, his father having decided on denouncing the armistice and trying again the fortune of war, the young duke returned to his post and showed himself no less valiant than in the first campaign. But fortune was contrary; the battle of Novara put an end to the war, which had lasted only three days. Having vainly courted death on the field of battle, Charles Albert, on the very evening of that terrible day called his sons and his generals around him, and accomplished the painful and solemn act of abdication, saying:

"It is now eighteen years that I have done the utmost in my power for the good of my people. It is most painful to me to see my hopes crushed, not so much for myself as for my country. I have not, as I would have wished, found death on the field of battle: perhaps my person is the sole obstacle to our obtaining

fair terms from our enemy. As no further means remain to us of carrying on hostilities, I at this very moment give up my crown in favor of my son, Victor Emmanuel, in the hope that he may be able to come to better agreements and procure the country an advantageous peace. Here is your king!"

At that moment the last King of Sardinia descended from the throne, and the first King of Italy ascended it.

It is no mere figure of speech to say that on the very evening of the terrible defeat at Novara, Victor Emmanuel despaired not of the future of Italy; nay, more, he had a lively faith in it. This fact is borne witness to by several persons of high position who had the good fortune of being present and treasuring up the first thoughts of the new sovereign on that very evening when Victor Emmanuel, having bowed to the King's will and listened with the utmost respect to his father's advice, started for Momo, a village where he spent that sad night. We need but cite a document, the authority of which was acknowledged by Victor Emmanuel himself. On the 23d of March, 1874, the twenty-fifth anniversary of Victor Emmanuel's ascending the throne, Count Vimercati, having previously obtained the King's permission, sent him a telegram recalling the words which he had heard from him that terrible evening, twenty-five years before. We here quote this interesting document as well as the King's answer; both are given in a book by Mr. Massari, who had them directly from Count Vimercati.\*

"SIRE:—Twenty-five years ago, after an unfortunate campaign which led to your august Father's abdication on the sad evening of Novara, I had the honor of treasuring up your first thoughts as a king. I heard your words, which were the programme of twenty-five years of political and military struggles. 'I will keep intact,' said you, 'the institutions given by my father; I will hold high and firm the tricolored flag, the symbol of Italian nationality—which has been beaten now, but *which will triumph one day*. This triumph will henceforth be the aim of all my efforts.' These words, Sire, which are historical, which preceded the hopes of a whole nation,—allow me to remind you of them today, when the hopes are realized which you nourished then, notwithstanding all reverses."

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\* Massari: *La Vita ed il Regno di Vittorio Emanuele II.* 1878.



On the very same day Victor Emmanuel answered Count Vimercati as follows :

"I thank you for your amiable thought of recalling to me *the words which I said to you twenty-five years ago*. Never will I forget the brave soldiers who were under fire with me at that battle which was one of the *hottest*; and I keep with pleasure the remembrance of your valor. I am happy now to see my desires accomplished. I wish you every happiness."

The situation was a most difficult and gloomy one for the King. In Italy, and everywhere in Europe, the flame of liberty which had sprung up a year before had died out or been smothered in blood. Not only had the other princes of the Peninsula, faithless to their word, withdrawn the liberal Constitutions and gone over again to Austria, but the latter had in her favor nearly all the European Governments, which, taking advantage of the inexperience, the errors, and the excesses of the populations, had once more won the battle between liberty and despotism. Still more strange, at Berlin, at Frankfort and everywhere in Germany, the warmest liberals joined with the European reaction in acclaiming Marshal Radetzky's victories. At that time it was generally believed that the line of the Rhine was to be defended on the banks of the Ticino and of the Po.

But it was less difficult to withstand the threats and the promises of Austria, the reactionary wiles of the Italian and foreign governments, than to put an end to all divisions and to revive confidence. The enemies of liberty tried to convince the King that the constitutional *régime* had been the cause of the defeat, and that it was impossible to govern under such circumstances. On the other hand, the republicans, with Cernuschi, cried: "Rather the Austrians at Turin than the Piedmontese at Milan!"

The young king's difficulties were all the more serious, and consequently his merit was all the greater, that when he ascended the throne the national feeling had as yet taken but little root in the country, and notwithstanding this he was, and at every cost wished to remain, a constitutional king.

"It is not sufficiently known," says M. de la Rive in his *Life of Cavour*, "how much firmness and good faith was needed, on

one hand for Victor Emmanuel to resist the persuasions of a victorious enemy, on the other to repulse the disinterested, sincere and plausible solicitations of faithful counsellors and of fellow soldiers to whom the great defeat seemed at once the consequence and the natural end of a Constitution associated in their minds with all the ills which had befallen within a year."

But Victor Emmanuel, faithful to his oath before the Chambers, saw but Italy, thought but of her; his sole ambition was that of being called the Deliverer King. One of the conditions of peace to which he attached the greatest importance was that of extending the armistice to the natives of the other Italian States who had been implicated in the war. However convinced of his material weakness, he had declared to Marshal Radetzky that, rather than abandon the cause of those poor people, he would run the risk of a third war, or else, like his father, take the road to exile. The country was poor—but neither the King nor his government made any difficulties as to paying the seventy-five millions of war indemnity. They might perhaps have succeeded in diminishing this sum by several millions; but they trifled not with their honor in a question in which, however apparently one of mere detail, a great principle was engaged. Although natives of the other States, were they not Italians? Had they not fought side by side with the Piedmontese?

European diplomacy decided Austria to be in the right, and no doubt she was, if we judge her according to the principles then in force. The King of Piedmont's demand proceeded from a new principle, a principle as yet unwritten, but which already existed in the conscience of millions of Italians. From the moment that the clause in favor of the natives of each State was inserted into the conditions of the armistice, Piedmont became Italy—Piedmont was the refuge of all the emigrants, and there was prepared the future of the nation.

At the beginning of May of the same year, 1849, Victor Emmanuel for the first time charged Massimo d'Azeglio to form a new Cabinet, and entrusted him with the presidency of the Council and with the Foreign Department. This choice had a great significance both at home and abroad.

The Prime-Minister's first interview with the King was no less significant.

"This time," said Massimo d'Azeglio, "this time, Your Majesty, we have made a fiasco—the next we will do better." And the King exclaimed: "Certainly, we will do better!"\*

If, on the one hand, both King and Minister thus expressed themselves in their intimate conversations, on the other, political necessity required the hastening of the conclusion of the peace negotiations which were proceeding slowly and with difficulty, owing to the exorbitant demands of the Austrian Government. These negotiations took a more favorable turn towards the end of June, thanks to the Cabinets of London and of Paris, whose kindly interference put an end to the occupation of Alessandria by the Austrians. The treaty of peace was signed at Milan, on the 6th of August, 1849. But Cesare Balbo, who had reminded the King a few months earlier that Piedmont did not conclude peace with Austria—only truces of ten years' duration, had been a true prophet. Less than ten years had passed, and the truce was already broken. The sacrifice which, in 1849, Victor Emmanuel had made out of love for Italy, whose real interests he divined, received its first recompense in 1859.

Even without entering into particulars, it were difficult to recall in narrow limits all that was achieved in this decade from 1849 to 1859 to affirm and to defend against all kinds of enemies liberal institutions in Piedmont, and to prepare the future of Italy. This short period represents the work of more than a century. They were years full of anxiety and bitterness for those who, deeply loving the great Italian cause, had reason to fear at every moment that it would be compromised by the ill-will of sects, or by the intolerance and excesses of parties. The young king had many an hour of deep anxiety. Never did he, however, lose the self-possession habitual to him, and that unerring *coup-d'œil* which always made him see the best resolution to be taken in the true interest of the country. Even in the very darkest days he had a deep respect, almost a *worship*, for all the liberties guaranteed by the statute—especially for the liberty of the press. He never allowed the slightest attempt against it, notwithstanding the

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\* Massari, *op. cit.*

apparent dangers at home and the difficulties abroad which it caused him. He knew, however, how to be severe even at the cost of his popularity, when the good of the country required it. His proclamation of the 20th of November, 1849, known as the Proclamation of Moncalieri after the name of the village where it was signed, is one of many documents which prove that when silence would have been dangerous Victor Emmanuel feared not to speak the whole truth to the country without undue sparing of the extreme parties that compromised all generous and popular efforts.

Twenty days elapsed between the dissolution of the Chamber of Deputies and the new elections, days of great emotion for the King and the country; but the country responded fully to the confidence placed in it by its sovereign. Public opinion was greatly divided as to this proclamation, a proclamation which even later called forth unfavorable sentiments. Now, however, opinion is unanimous in declaring with Count Cavour, who liked to repeat it many years later, that the Proclamation of Moncalieri saved Piedmont, and with Piedmont, Italy. On the other hand, court intrigues and the manœuvres of the diplomats required all the King's foresight and energy. What painful moments for him when it was feared, when it was said already, that France would unite with Austria against liberty!

After Napoleon's *coup-d'état*, reaction waxed stronger in Europe; the King of Prussia took immediate advantage of it to enjoin on the young Italian king the abolition of constitutional guarantees. But Victor Emmanuel did not belie his noble character; his only answer to these threats was a despatch of the 10th of December, 1851, signed by Massimo d'Azeglio. We shall content ourselves with quoting only the beginning and the end:

"By an indirect but very respectable medium the sovereigns of Austria and of Prussia have given to the King, our August Sovereign, the advice of adopting the same line of policy as that of the other Italian States, making him understand, under the apparent form of a threat, that he might otherwise have cause to repent of his persistence in following his present system of policy.  
\* \* \* His Majesty cannot refrain from remarking that the

political state of the countries governed by the two sovereigns who address this kind of summons, seems to him to demand counsels far more than to give them the right to offer any themselves. \* \* \* The King added that, besides, he was master in his own States, that he did not interfere in what the other sovereigns thought fit to do, that he, on his side, wished to have perfect freedom of action; he again expressed his entire confidence in the efforts which he would continue to make for the wise and moderate course of his government."

At this time appeared the *Rinnocamento Civile d'Italia*, by the Abbé Gioberti. The *Coup-d'Etat* had just added importance to this book, which, deeply meditated in the great philosopher's melancholy solitude, was quite a political divination. The second volume was a prophecy. Speaking of the part played by Piedmont and its king, Gioberti sketched the plan and, relating beforehand what would happen, said:

"The cry of Italian unity, rendered more powerful by a strong army capable of making it live and of ruling it, and a generous appeal to the people and communes, will give the King of Sardinia a power superior to that of Charles Albert in the happiest days of the year 1848. \* \* \* I should say that I utterly despair, were it not for the young prince who governs Piedmont. He vows that he loves liberty, and his fame for truthfulness gives value to his words. He loves glory, and what glory could be greater than that which would accrue to him who should give spirit and life to the first amongst nations?"

Victor Emmanuel, after reading these pages attentively, was several times heard to exclaim: "I am resolved on doing what Gioberti says. I am ready and decided. The future is in the hands of God!" Nearly a year later (on the 25th of October, 1852), died suddenly at Paris this man, whose encouragement and advice had always been so useful to the young king, and who, as a writer even more than as a minister, had done so much good to the Italian cause.

A week after Gioberti's death, Victor Emmanuel called Count Cavour to the head of the government. Two years before, on the 11th October, 1850, Cavour had for the first time entered the Cabinet as Minister of Agriculture and of Commerce. On that occasion the King said to d'Azeglio, who had proposed Cavour: "Take care what you are about:

Cavour will soon get the upperhand of you all. He will send you away, and he himself will be Prime-Minister."

By Cavour's nomination as Premier, a few days after Gioberti's death, the King intended proving to all Italy that the grand idea of the author of the *Rinnoramento* had not gone down into the grave with him. It was a bold and decisive step, but no less well-pondered than the others. Victor Emmanuel felt that all that had been done during the last four years by the other princes of Italy to stifle all patriotic feeling in the Peninsula, in the hope that Piedmont and its king would at last be swallowed up in the general reaction, had led principally to attracting towards the latter the eyes, the hearts and the aspirations of all Italian patriots. His fine intuition taught him that the time was come for giving up the policy of patient expectation, the prudent reserve which he had imposed upon himself, and for beginning the execution of Count de Cavour's bold plans.

From the first day that Cavour took the reins of government, his programme was *Italy and Victor Emmanuel*. The only means which he made use of to conceal the fact that he labored unceasingly for the realization of this programme was that of declaring it openly. He himself often exclaimed: "The more I speak the truth, the less is it believed:—this is the whole secret of my policy."

The formula "Italy and Victor Emmanuel" could easily be understood by the people, for it clearly defined what it contained: freedom from foreign intervention; the liberal constitution of the kingdom, and the sacrifice of municipal prejudices to the unity of the country. All this could be obtained only under the patronage of a king who, by his honesty and patriotism, had already known how to win the confidence of all Italians, and by the authority of his name and the ancient and respected escutcheon of his House was able to shield Italy against Europe, and induce the latter to keep silent when it was not inclined to approve.

Let us confess it: Victor Emmanuel was fortunate in being surrounded at the beginning of his reign, at his age and in such circumstances, by men such as Balbo, Pinelli, Gioberti,

d'Azeglio, Siccardi, Della Marmora, Cavour, to mention only the greatest; but these men, and more especially Cavour, had the still greater fortune to find a king of a type so rare, nay, unique in history, a king who greatly facilitated their task; who was ever ready to abide by all the consequences of the principle written on his banner, and who never refused to go where he was led by the logic of his preceding acts. The beacon which directed him amidst the heaving waves of the political ocean was the liberation of Italy. When the most prudent advised him to stop, his conscience bade him go forward with the boldest.

This is not the place for speaking of Count Cavour's home policy. It would lead us too far from the aim we have in view in these brief pages. Still, it is well to bear in mind that but for this wise and firm policy, which, by winning every day more and more the sympathies of all intelligent and liberal minds, inspired the enemies of liberal institutions with unwilling respect, never would Piedmont have attained the position which it was soon able to take in the face of Europe. The confidence secured from France and England, which was but the consequence of that far-sighted policy, induced those two powers to brave the ill-will of Austria and Germany by admitting, in 1855, small Piedmont into the alliance concluded with Turkey against Russia. On the fifteenth of the following month of August, the tricolored Italian flag with the Cross of Savoy waved on the same line with the French eagles and the British lions; and the Italian blood which reddened the waters of the Tchernaya signed the credentials with which Cavour presented himself at the Paris Congress in 1856 and pleaded the cause of Italy.

This was a master-stroke. Well could Cavour say in those very days before the Chamber of Deputies: "Now the cause of Italy is brought before the tribunal of public opinion, to which, according to a memorable saying of the French Emperor, belongs the passing of the final sentence. Perhaps the struggle will be long, but I feel confident that the final issue will be worthy of the justice of the cause."

History, when recalling the Congress of Paris, will



acknowledge in Victor Emmanuel and his able minister the merit of having succeeded in introducing before this European tribunal two great novelties: First, that the small States should be called upon to discuss side by side with the great, contrary to the traditions which had quite recently received a fresh sanction at Lubiana; second, that in a conflict between the people and the Government, the people may have right on their side.

We should be mistaken, did we think that in this decision to enter into the Anglo-French alliance, Victor Emmanuel played but the part usually reserved to constitutional kings. On the contrary, many documents and many important testimonies prove that the principal part was his. Massari\* publishes the *résumé* of a confidential interview between Victor Emmanuel and the Duke de Grammont, the French Ambassador, concerning the negotiations for the alliance. By this *résumé*, communicated to Massari by the Duke himself, we learn that at a certain point of the conversation Victor Emmanuel said familiarly to M. de Grammont: "What do you mean by M. de Cavour's overtures? You see, my dear friend, we must call things by their name. There are no overtures of Cavour's, it is I who have spoken. I told him to offer you fifteen thousand men. It is all I can do at present, otherwise I should have said thirty thousand."

The victories of the allied armies in the Crimea afforded a ready occasion for Victor Emmanuel to visit Queen Victoria and the Emperor Napoleon. It was then that the latter one day asked his guest in the presence of d'Azeglio and Cavour: "What can we do for Italy?" It is of no importance to know whether the reply was given immediately or after having long thought about it, nor in what words it was couched. The Paris Congress of the following year and the war of 1859 prove that the offer was accepted by the King, and that his able minister took the greatest possible advantage of it for the Italian cause.

Cavour's bold words to Clarendon, his energetic protestations to Count Buol, must have seemed very rash to those who did not perceive that it was a king and a whole nation

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Massari, *op. cit.* p. 251.

that spoke by the minister's lips. The Crown Speech of the 10th of January, 1859, banished every misunderstanding and satisfied every impatience; it boldly declared Victor Emmanuel's determination to look upon the cause of all the Italians as his own. At Paris, nine days earlier, the Emperor Napoleon, when receiving the diplomatic corps at the Tuileries, had said to Baron Hübner, the Austrian Ambassador: "I regret that the relations between us should be so bad. Tell your sovereign, however, that my feelings towards him are unchanged."

These words were not uttered without a purpose; neither were the following, which Victor Emmanuel pronounced before Parliament, in vain:

"Our country, although small in extent, acquires credit in the councils of Europe, for she is great by the ideas that she represents, by the sympathies that she inspires. This condition is not without danger, for, although we respect treaties, we are in no wise insensible to the cries of pain which reach us from so many parts of Italy."

On the 20th of July, 1858, the Emperor Napoleon and Victor Emmanuel's Prime-Minister had had a secret interview at Plombières, and had spoken of Italian affairs; the alliance had been agreed upon that very day.

Things did not, however, proceed so smoothly as might be supposed. Indeed, there was a time in 1858 when the French Minister Walewski seemed to forget that Piedmont was a free and independent State. Cavour was obliged to remind him of it in the King's name. He wrote to the Marquis of Villamarina, Piedmontese Ambassador at Paris:

"Courage! continue to represent a generous king and a loyal government that, just as they will never ally themselves with disorder and revolution, will in no case allow themselves to be intimidated by the threats of their neighbors. Persevere in the diplomatic struggle! Charles Albert died at Oporto not to bow his head to Austria; our young king will go and die in America, or he will die not once but a hundred times at the foot of our Alps, rather than sully by a single spot the honor of his noble race!"

The treaty itself was signed on the 18th of January, 1859. On the very evening of that day General Niel, after an interview with Victor Emmanuel, did not seem convinced that war

would be the immediate consequence of the conclusion of the treaty. Without due consideration for his august interlocutor's feelings, he said: "Sire, you must wait!" The King looked at him, and slowly answered: "It is ten years that I wait, General!"

The die was cast. Victor Emmanuel shortly after made known to the army and to the people of Italy his resolution of going to war, and France signified to Austria her intention of looking upon any violation of the Piedmontese frontier as a declaration of war against France herself. Facts soon confirmed these threats. Napoleon III announced to France that he put himself at the head of his troops to go and defend the Italian cause. "Austria," said he in his proclamation, "has brought things to such a point that it is necessary she should rule to the Alps, or that Italy should be free to the Adriatic \* \* \* We shall have at our frontiers a friendly people, who will owe us their independence. We do not go into Piedmont to foment disorders or to shake the power of the Pope, but to deliver her from foreign oppression and to establish order based on legitimate and satisfied interests."

Victor Emmanuel, after proclaiming that he had but one ambition—that of being the *first soldier of Italian independence*—left Turin on the 1st of May to assume the command of the army. To General Garibaldi was entrusted the guidance of the volunteers, who from every province crowded to swell the ranks of the combatants. It would be wholly useless to speak again of Victor Emmanuel's military valor, when we recall to mind the part taken by him in the war of 1859. The remembrance of it is so deep and lively, and the fame so widely spread, as to render all repetition superfluous. Still, we cannot forbear recalling the King's answer to Senator Plezza, who was begging him, in the name of General Della Marmora, not to push on too far to the front, where he might be reached by the enemy's shots: "Tell those gentlemen that in a few days I shall have to send to death who knows how many thousand men; that I have not the courage to send others to death if I do not show that the cause is one which deserves that we should all of us go, and that, if necessary, I am ready to go myself."

The long-repressed animosity and jealousy of Germany and Russia ; the internal war waged against the French Empire both by the radical and the clerical party ; perhaps also other causes, which, however, are far from being ascertained,\* obliged the Emperor of the French to bring the war to a hasty conclusion after the great victories of Solferino and San Martino, where side by side with the Piedmontese the valiant sons of France so generously shed their life-blood for the triumph of the Italian cause.

The Peace of Villafranca was a painful necessity which Victor Emmanuel could not possibly elude ; but not even then did he relinquish any of the feelings which had always dictated his conduct.†

"What does Victor Emmanuel do," writes Minghetti, "before a peace which he can neither prevent nor refuse? Will he listen to the disdainful advice of Count de Cavour, who exhorts him to take the road to exile rather than put his signature to that fallacious treaty? A thousand conflicting feelings must have struggled in his mind ; but the reason of State won the victory, and at that moment the King seems to us greater even than his great minister. He accepted, but on one condition : namely, that the princes of Central Italy should reënter their States by their own forces unassisted by foreign armies ; he foresaw that in that way the struggle would not be avoided, but would only be transferred from northern to southern Italy. It was a new road open to fortune." ‡

The preliminaries of Villafranca were formally drawn up

\* On the 11th of July, at Villafranca, Napoleon III and Francis-Joseph stipulated the following conditions of peace : Both sovereigns should favor the creation of a confederacy under the honorary presidency of the Pope ; Venice should form part of the confederacy, remaining, however, under the Crown of the Austrian Empire ; the Grand-Duke of Tuscany and the Duke of Modena should reënter their States, proclaiming a general amnesty ; the two emperors should ask the Pope to introduce into his States the necessary reforms ; the Emperor of Austria should cede to the Emperor of the French his rights over Lombardy, which, in his turn, the Emperor of the French should cede to the King of Sardinia.

† Some light is thrown on the subject by the words which Napoleon himself addressed to the great bodies of State who, on his return to Paris, went to congratulate him on his victory :

"If I have come to a stop, it is not through lassitude nor through abandonment of the noble cause which I wanted to serve, but because in my heart something spoke still more imperiously—the interest of France. To serve Italian independence I waged war in spite of all Europe ; as soon as the destinies of my country became endangered, I made peace."

‡ Minghetti : *Commemorazione di Vittorio Emanuele II.*

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into a treaty of peace which was concluded at Zurich and signed on the 10th of September of the same year, 1859. It did not suffice, however, to have it written in that treaty that the fugitive princes should return to their States: Tuscany, Parma and Modena continued to govern themselves. The Powers, seeing so much opposition to the dictates of diplomacy, proposed a congress the bases of which were indicated in a letter of Napoleon to Victor Emmanuel. This attempt having failed, the former States of Parma, Modena and the Romagna constituted themselves into one sole government known by the name of Emilia, awaiting, as did the Provisional Government of Tuscany, a favorable opportunity for their union with Piedmont. This state of things lasted ten months. Many were the blandishments, many the threats: Central Italy knew how to parry them by maintaining the severest public order at home, and by showing a practical good sense worthy of the greatest adepts in politics.

On the 16th of January, 1860, Cavour once more seized with a firm hand the reins of government. On the 20th of the same month he boldly proclaimed the statute of Charles Albert both in Emilia and in Tuscany, and called on these States to seal by a solemn *plebiscitum* their future destinies. This apparently strange act was supported by the adherence, at first secret but later expressed, of France and England. Indeed, both hastened to declare that, should the Assembly of the different Italian States vote in favor of annexation to Piedmont, they would, notwithstanding Austria's protests, make no opposition to the entrance of the Sardinian troops into those States.

What is all the more deserving of notice is that, even before this high support, even before Cavour's return to power, even amidst the most difficult circumstances, Victor Emmanuel's prudence was always accompanied by firmness and courage. This is proved by the following facts:

D'Azeglio, when recalled from Bologna, where he governed in the King's name, wrote: "Sire, I have disobeyed; call me before a council of war."—And Victor Emmanuel answered: "You have done very well." Farini was ordered to quit the

Government of Modena ; instead of leaving, he showed himself on the balcony of the palace of the Dukes of Este and cried out : "Forward, with the star of Italy ! The star has not signed the Peace of Villafranca !" And Cavour answered : "The Minister is dead, the friend applauds you." The Secretary-General of the Provisional Government of Tuscany, Celestino Bianchi, left Florence to go and agree at Turin upon what was to be done. The King immediately received him and asked : "What do people think of me in Tuscany ?" "They always rely on Your Majesty's protection," answered the envoy. "I am truly glad of it," replied the King ; "I could not bear to be for a single instant suspected of being capable, in order to take care of my own interests, of abandoning these good people in Tuscany and in the Duchies who have placed their confidence in me."

Another very characteristic incident : Marquis Joachim Pepoli had immediately gone to Turin to make known the painful condition of the population of Central Italy who were threatened by the danger of seeing the old tyrants reinstated by the foreign armies. Victor Emmanuel gave him a cordial welcome, and said to him that, above all, it was requisite not to lose faith. "I believe in your words, Sire," answered Pepoli, "but how can we provide for our wants without money and without credit." "My government," answered the King, "cannot give you open support by reason of the diplomatic agreement but too well-known to you. The House of Savoy is poor, so I cannot materially offer you the money you are in want of ; I can give you only one thing, my signature. Try to provide with it for your wants and arm yourselves for the day of battle." Saying these words, he wrote his name on a sheet of paper which he gave to Pepoli.

On the 14th of March, Emilia (with 426,003 votes against 756), and two days later Tuscany (with 366,571 against 14,925) declared themselves for the annexation ; and Victor Emmanuel, consistently with his programme and promises, accepted the result of the vote and proclaimed Tuscany and Emilia integral parts of his kingdom.

In April, 1860, a new Parliament composed of citizens of

all the other Italian provinces met at Turin, and the King began his Crown Speech with these memorable words :

"The last time that I opened Parliament in the midst of the sorrows of Italy and of the dangers of the State, my faith in divine justice encouraged me to hope in our future. In a very short time we have seen an invasion repulsed, Lombardy freed by the glorious deeds of the armies, Central Italy delivered by the wonderful virtue of the people ; and now are assembled around me the representatives of the right and of the hopes of the nation."

This allusion to the right and to the hopes of the nation was not made in vain. A few months later the annexation of Umbria and of the Marches took place,\* and that of the Kingdom of the Two Sicilies. Garibaldi, giving up his republican aspirations, started with his volunteers for the island of Sicily to the cry of "Italy and Victor Emmanuel." The magic of this cry, joined to the name of the hero, worked miracles. One of the most striking characteristics of the Italian revolution was that the intelligent and honest conservatives understood at the right moment the necessity of becoming revolutionists, and the best amongst the revolutionists felt the necessity of becoming conservatives by accepting constitutional monarchy under the formula "Italy and Victor Emmanuel." There was no other means. Whoever desired national independence was led to desire equally the unity of the nation under the sceptre of the dynasty that had become the promoter of that independence. This was the feeling which, on more than one occasion, prevented conflicts between Garibaldi and the King's Government—conflicts which would have proved fatal to the national cause. At the time of which we are speaking, such was especially the case. Garibaldi, pursuing his route, had entered Naples. Capua and Gaeta still held out, but their fall was only a question of time, and the deliverance of the continental and insular provinces of the south could be looked upon as definitive. Was the annexation

\* After Victor Emmanuel's entrance into Ancona, the representatives of the foreign States were recalled from Turin and the Prussian Government more particularly expressed its disapprobation. It was then that Cavour said to the King : "What is to be done? They do not wish to understand us. The day will come when they will understand and judge us rightly." "Courage," said the King, "let us do our duty, and go on boldly."



of these provinces to be proclaimed immediately, or was it to be deferred? Garibaldi was of the latter opinion, and he asked the King to confer on him for two years the dictatorship of these provinces. The King was not inclined to grant him his request; he proposed to abide by the decision of Parliament. Parliament was solemnly called; it almost unanimously approved conferring on the King full power to accept the fresh annexation, without any need of special legislative measures. Garibaldi, vying with the King in his deference to the verdict of the nation's representatives, immediately desisted.

On the 7th of November, Victor Emmanuel, preceded by a *plebiscitum* of 1,772,719 votes, entered Naples; he had at his side Garibaldi and the two other principal authors of the union of the southern provinces to the new kingdom,—Giorgio Pallavicino and Antonio Mordini. His proclamation to the Neapolitan and Sicilian populations begins as follows:

"The universal suffrage gives me sovereign power in these noble provinces. I accept the high decree of the national will, not out of an ambition to reign, but from my conscience as an Italian."

Three months later a new Parliament met. It "conferred on Victor Emmanuel and his successors the title of "King of Italy."

But such a title did not entirely answer to the reality so long as there existed a Pontifical State, however reduced in proportions, and so long as Venice groaned under a foreign yoke. On the 11th of October, 1860, Cavour for the first time brought before the Chamber of Deputies the question of Rome as capital of Italy.

"During the last twelve years," said he, "the fixed star of Victor Emmanuel was the aspiration after national independence. What will be this star as regards Rome? Our star, I say it to you openly, is to do in such wise as to make the Eternal City, over which twenty-five centuries have accumulated every kind of glory, become the splendid capital of the Kingdom of Italy."

From that day Victor Emmanuel did not, for a single instant, lose sight of this great end. He was a sincere Catholic and deeply grateful to France; to go to Rome he would have to displease the Pope and the Emperor of the French.\* Any

\* Historical truth requires us to bear in mind that, if Napoleon was averse to the annexation of Rome to the Kingdom of Italy, it was not owing to his

other king would have hesitated. But with Victor Emmanuel his duties as a constitutional king were above every other consideration. True, Cavour had spoken of purely *moral means*: but how to assure one's self that Cavour's good intentions would never be outstripped by events?

Events are sometimes stronger than the will of man. From the day of Cavour's death, all idea of reconciliation between the Pontifical and the Italian Government had become more and more hopeless. Things had reached such a point that Italy was either to fall to pieces again, or to be joined to her natural capital, Rome. The study of the development of the Roman question took birth with the Italian question. It is a complex one, as is always the case when in the midst of facts we must look for principles.

On the 4th of January, 1861, Cavour wrote to Count Vimercati at Paris:

"The King and the Ministry are perfectly agreed as to the system to be followed at home and abroad. The King does not look upon his part as ended; he knows that he must labor to establish on a solid basis the independence and unity of Italy. Now this end will be reached only when the question of Rome will have had a complete solution in conformity with the wishes of the Italians."

Cavour took advantage of his sovereign's wonderful prestige to allay little by little the suspicions of Prussia, and, by winning her over to his side, to prepare that other alliance which death prevented his concluding himself, but which was happily formed in 1866.

One of the fruits of Cavour's policy was precisely the alliance concluded between two governments hitherto always

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private feelings. The Convention of September, 1864, which, with the transfer of the capital from Turin to Florence, signified a tacit renunciation of Rome; the battle of Mentana in 1867, when Garibaldi's bold attempt was repulsed by the French troops; and all the other efforts to secure Rome to the Pope, were forced upon Napoleon by the implacable hostility nurtured against the Empire by the leaders of the clerical party, and also by M. Thiers. Napoleon's liberal foreign policy was stigmatized by Thiers in December, 1867, in these memorable words: "The result of the policy of France is to be seen in Germany. Two unities, one made, the other allowed to be made, which join hands over the Alps, and lay down as a condition of peace that you will let them reach their accomplishment. \* \* \* In Europe there is an European equilibrium; it is in the name of this principle that we have a right not to create by our side powers of twenty-five millions of souls."

at variance. We must bear in mind that in Germany, at that time, it was necessary to draw a distinction between the nation and its rulers; that the liberal principles of the Prussian Government are of a far later date. Bismarck is but a disciple of Cavour; he came forward and proposed to himself the realization of German unity after he had seen Cavour's success, notwithstanding far less favorable circumstances, and the necessity of employing means still more audacious.

It is a general opinion that this alliance not only facilitated to Italy her deliverance of Venice, but also permitted her going to Rome four years later. The state of isolation in which Prussia found herself in 1866, when, impelled by inexorable necessity, she declared war upon Austria, led the Berlin Cabinet to enter into an alliance with Italy. This alliance, however useful to Italy, was not less so to Prussia. Had the latter not had the support of Italy, and the no less important one of France, Sadowa would never have been possible. Both Italy and France contributed to that victory; a victory which facilitated the war of 1870 and led to the Empire of Germany.

As far back as 1858, Cavour had foreseen the future alliance of Italy with Prussia. On the very morrow of the failure of Marquis Pepoli's mission to Berlin, disheartened by it, he uttered the following prophetic words: "What cannot be concluded today will be concluded to-morrow. Prussia is inevitably drawn into the orbit of the idea of nationality. The alliance of Prussia with aggrandized Piedmont is written in the future book of history."

The same prophetic spirit inspired Cavour's reply to the Prussian Ambassador, Brassier de St. Simon, who read to him in October, 1860, a note from his Government expressing the greatest disapprobation of the entrance into the Marches and into the Kingdom of the Two Sicilies. "I am sorry," said Cavour, "to be blamed; but I console myself with the thought that Piedmont is setting an example which, in a short time, Prussia will probably be very happy to follow."

To Count Schleinitz, Bismarck's predecessor, he wrote:

"In Italy the monarchical principle, before being trampled upon by popular vengeance, had been effaced from the hearts.

We have raised and purified this principle by having it consecrated by the national will." \*

Let us say it once more, but for Victor Emmanuel's moral authority, but for the respect inspired by his unbending will, it had been impossible that Europe should remain a mere spectator of this great revolution, and that this should be accomplished so rapidly. In this respect the Monarchy of Piedmont did a great service to monarchical Europe. The remarkable characteristic of the Italian revolution—of having always guarded social principles—greatly depends on its having been headed by the King and by men entirely devoted to monarchical principles, and brought up in those of conservatism and public order. Thanks to these, the revolution did not throw disorder into the vital forces of the country, but gathered them together, directed them, and made them a power.

The Monarchy of Piedmont rendered another service to Europe. It taught her how feudal monarchies must draw fresh vigor, and conform themselves to the new times, by being for nations still better guarantees of sure and full liberty than republics. It was one of the thoughts which guided Victor Emmanuel in his bold enterprise; he failed not to say so on many an occasion. We shall quote the closing words of his proclamation to the populations of southern Italy before crossing the Tronto :

"Whatever be the gravity of events, I await with tranquillity the judgment of civilized Europe and of history, for I have the conviction of fulfilling my duties as a king and as an Italian. In Europe my policy will not perhaps be useless in reconciling the progress of the people with the stability of monarchies. In Italy I know I put an end to the era of revolutions."

The national enterprise being brought to a happy fulfilment

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\* The words of Victor Emmanuel's Prime-Minister are all the more remarkable since, when he thus spoke and wrote, not only was the Berlin Cabinet hostile to Piedmont but all the principal European Governments expressed also their dissatisfaction and, with the exception of England, had recalled their representatives from Turin. At the head of the English Foreign Office was Lord John Russell, known for his great partiality for Italy. On the 27th October, 1860, he wrote to Sir James Hudson at Turin a long note which ended as follows : "Having examined the causes and the accessorial condition of the Italian revolution, Her Majesty's Government sees no sufficient reason to justify the severe blame which Austria, France, Prussia and Russia have visited on the King of Sardinia's acts. Her Majesty's Government finds more pleasure in turning its gaze on the consoling prospect of a people that raises the edifice of its liberties and consolidates the work of its independence in the midst of the sympathies and favorable wishes of Europe."

by his entry into Rome, Victor Emmanuel felt all the importance of quieting the conscience of the Catholics by convincing them that the Pope's spiritual authority would be in no wise lessened. He thus desired, promoted, and without delay had brought before Parliament, the law known as the "Law of guarantees of the liberty of the Pontiff and of the Church;" a law which, notwithstanding some imperfections, will remain a monument of political wisdom.

"Of all the enterprises accomplished by the King," writes Minghetti, "this was the most arduous and the greatest, not only because it consummated the unity with the Capital so longed after, but also because it did away with the temporal power of the Popes. In this respect the revolution did not terminate within the confines of the Peninsula, but extended its influxes beyond them; it was not only Italian, it was world-wide, and he carried it out with all the greater frankness that no one could cast a doubt on his religious feelings and on his personal devotion to the Head of the Church." \*

Dante, the father of Italian literature, had, in the way which was possible in his time, predicted the day in which the Eternal City would contain in its walls the head of civil society and the head of religious society, the latter free of all earthly dominion. Dante had delineated the unity of Italy in her territorial configuration, in her race, in her language; but in his mind unity was connected with the Roman Empire, which, returning from Germany, would have carried back to Rome its ancient seat and become national.

If Italy in so long a course of centuries did not succeed in forming herself into one State, but remained divided and under a foreign yoke, in all that relates to the intellect she was far in advance of the other European nations; and, if they succeeded much sooner in establishing themselves, she was the first to show that she had a clear and persevering notion of her existence as a nation. Thus not only Dante, but also Petrarca, Macchiavelli and a few others foresaw, although under a different aspect, the possibility of a day dawning when Italy would be free and united †; and after the whole country at

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\* Minghetti, *op. cit.*

† The constitution of the nation crossed the mind of some princes, sometimes under the form of unity, sometimes as a confederacy, but always in vain

the middle of the sixteenth century had fallen under foreign rule, Italian feeling survived in the mind of some thinker or of some poet. In the seventeenth and eighteenth centuries, Chiabrera, Marini, Testi, Boccacini, Burlamacchi, Morone, Tassone and others, foresaw the national revival; it was a vague, indistinct, but perennial thought of that Italy whose unity was promised by the oneness of her name, which had lived since the earliest ages through so many vicissitudes and so many governments.

Perhaps those powerful minds turned a prophetic glance on that House of Savoy from which was to spring Victor Emmanuel, the founder of Italian nationality.

"There is much of Henry the Fourth in this man," said one day Mr. Seward, Special Envoy to the French Provincial Government, on leaving the Pitti Palace where he had been cordially received by the King himself. The comparison is worth recalling; it contains much truth and reflects much honor upon Victor Emmanuel. There are, however, two points of difference which, while leaving to each of these great monarchs his portion of merit, throw out into stronger relief the historical figure of the Italian prince. Henry the Fourth was an absolute king, and, like nearly all great men, he reached that height owing to his living in times and amidst events in perfect harmony with his own nature. On the contrary, the first King of Italy was a most constitutional prince, and his greatness comes, above all, from his having known how to bend his own nature to every change of time and circumstances, remaining, however, inflexible in his principles as a liberal king and as the redeemer of his country.

C. POZZONI.

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on account of the many internal divisions and of the opposition always made by the Popes. Thus failed the attempts of the Scaligeri, of Gian Galeazzo Visconti, of Ladislaus, King of Naples, and the hopes of Lorenzo di Medici, of the Duke Valentino and of Lodovico Sforza.

## ART. VII.—CODIFICATION OF THE COMMON-LAW.

1. *Works of Sir Henry Sumner Maine.*
2. *Works of Sheldon Amos.*
3. *Works of Jeremy Bentham.* Edinburgh: 1843.
4. *Essai sur l'Histoire du Droit Français.* Par M. F. LAFERRIÈRE. Paris: 1859.
5. *Histoire de la Législation Romaine.* Par J. ORTOLAN. Paris: 1875.
6. *An Address, delivered to the Graduating Class of the Law School of the University of Albany.* By MR. D. D. FIELD, March 23, 1855.
7. *A Code or a Digest.* By F. S. REILLY, *Law Magazine and Review*, Vol. II. N. S., 1873.
8. *The Juridical Society Papers.* London.
9. *The English School of Jurisprudence.* By FREDERIC HARRISON. *Fortnightly Review*, 1878-1879.

"The work which I propound tendeth to pruning and grafting the law, and not to ploughing up and planting it again: for such I should hold indeed for a dangerous innovation."—*Lord Bacon.*

"THE historical method in law," says Mr. Frederic Harrison, in his papers on *The English School of Jurisprudence*, "is the special resource and almost the discovery of our immediate time;" and it is that method, the method of Savigny and of Maine, to which recourse must be had in seeking any satisfactory answer to the question, whether the common-law is a



proper subject for codification. The question involves the external rather than the internal condition of the law, and is one less of substance than of form. But eventually form and substance are interdependent and inextricably bound up together. The question, therefore, reaches down to the very basis of jurisprudence, and can only be answered after a study of the functions and objects of law as such; of the place of law among institutions; of its relation to the growth of society; and of the forms that it has assumed.

Mere discussion of the superficial facts will not suffice properly to answer the question; for our law, the realization of social order, may not be subjected to experimentation, and nothing will here suffice but an appeal to the largest principles of juridical science. How far the demand for codification has arisen from crude theories and fancied analogies—how far it has arisen from jurisprudential wisdom—remains to be seen. It is claimed, by advocates of the historical and comparative methods in law, that the time is ripe for the reduction of our customary law to a Code; and it has become the fashion for jurists, charmed by the civilians, in season and out of season to decry our own system, while they find no word of praise sufficiently exalted for that of the Roman law. Forgetting that the historical value of the Roman law is vastly greater than its substantive value, they regard its form and substance as reverentially as its lessons.

Before proposing a change in the organic form of our law, we should study well its physiology. To fully comprehend that, however, demands a knowledge of the physiology of society; a watchfulness of the play of its organs; and the study of law as a fact related to all of the other facts of social life. For law is not something superimposed upon society, but, like the language, morals, religion and politics of a people, it springs from their common consciousness. The foundations of possible law are to be sought in the national spirit, that *volksgeist*, as the Germans call it, which exists in all the members of a nation, and has its life in the national history, producing specific traits of nationality, as distinguished from the generic traits of humanity. Aiming at the establishment of

a perfect order within a perfect State, the course of law is determined by the necessities of peoples, physically and morally, by climate and geographical position, by economic conditions, by traditions, creeds, and politics. Working with human means upon humanity, and changing with every change of condition and circumstance, law is, by virtue of its very nature, an imperfect instrument—an instrument never finally sufficient in its form and methods, but only tentatively sufficient. It progresses substantively and formally with the progress of civilization. At no time can it be regarded as more than relatively perfect, and its perfection cannot be considered apart from the national life of which it is the product. As the conditions and needs of societies differ, so must their laws differ. In Lord Bacon's words, "As streams, and like as waters, do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted." Eventually the laws and the public opinions and habits of a people coincide, not, however, because they stand in the relation of antecedent and consequent, but because they grow side by side from the same stem. At any given moment Law, consequently, better than any other human institution, proximately represents the actual popular will. The very fact, then, that our law is mainly customary, finds its reason necessarily in our national consciousness and history. The form corresponds to a deep-seated national sense of its fitness and necessity. It follows that systems of law can be, with profit, studied comparatively only when all differences of conditions between the communities in which they obtain are taken into consideration; and that indiscriminate argument from analogy is of no force.

Passing from the nature of law and its relation to national life, let us regard its growth and development. As change and adaptation constitute the final law of life, individual and social, so are they inherent necessities in every system of municipal law. Mr. Bagehot points out that "law—rigid, definite, concise law—is the primary want of early mankind; that which they need above everything else, that which is requisite before they can gain anything else." If, however, it

have not within it the germ of adaptability, if it be regarded as final rather than provisional, national progress is eventually arrested. And this is true of law, not only in its earliest, but in its latest stages. Any form which has a tendency to perpetuate indefinitely and unchangeably the existing rule is fraught with danger to society. Progressive law contains the principles and means of change and growth.

In early law, when the rule appears to have become unalterably fixed, and to have been outgrown by society, it is conformed to the actual social need by the means of fiction. By that instrument customary law is insensibly changed until its framework will permit of no further growth, and is discovered to be too small for the necessities of progressive communities. Then the new and larger system of equity comes into existence and develops to its limit. In its turn it becomes too confined for the requirements of society, and is finally supplemented by legislation. This is Sir Henry Maine's great discovery. Fiction may cease to be used; but the principles of equity are eternal, and survive the system of equity, working hand in hand with legislation for the perfection of law. Fiction, equity, and legislation, however, are simply methods for bringing law into harmony with new social conditions. They are the instruments of growth, the springs of progress, but they do not sum up the successive historical stages of law. This latter is quite another thing.

We may not here trace the history of law, but it is necessary, nevertheless, to hastily glance at it to discover, if possible, in what state of development our own law is. Of that early law, indistinguishable from pure custom or usage, which precedes distinct national existence it is unnecessary to speak. Allusion must be made, however, to the nation-making stage of law, by which discordant tribes are welded into one, and conflicting customs are harmonized; as well as to the stage which immediately follows, and in which law takes on the form that accompanies the earlier stages of national existence. Throughout both these periods the law is unsymmetrical and illogical. As the nation and the law develop, jurisprudence comes into being to mould the latter into something of logical form and

order; "and while the sources of its growth are not cut off, the principles and maxims of the law are evolved into a precise statement, false growths are pruned," and science "dispeles the chaos and arranges into its natural order the system of justice." The last stage of law appears when nations have arrived at the climax of their evolution, beyond which there is no progress, and when their national life is so centralized that the only possible tendency is for the worse. In the first, or nation-making stage, the law is altogether customary. In the second, or early national stage, legislation has begun, but customary law still predominates, fiction and equity remaining as yet the chief instruments of change. In the third, or middle national stage, the law is about equally legislative and customary, with the customary still the fundamental law, but with legislation as the favorite means of amendment. In the last, or mature stage, society being no longer progressive, the laws are all reduced to statutory form, as in Justinian's time, and an effort made to retain them in their perfection—to save them from the influence of national decline. This last may be called the age of codification, which age, from the very nature of things, cannot be said to have arrived so long, to quote Heron, as "a nation is progressing in wealth, knowledge and civilization;" a complete Code being possible only when progress is arrested. This last stage is followed by decadence, and while the perfect Code stands a new customary law springs into being, as in the Roman Empire after Justinian, where "modern Roman law" arose through the adaptation of the "old Roman law" to the exigencies of the new States.

This reference to the principle of growth and to the history of legal systems, will enable us to determine in what stage of development, relative to its maturity, our American law is. That it has not reached the final stage is apparent from a momentary glance at its characteristics. It recognizes the principle of growth by "the silent promulgation of custom and the active promulgation of legislation:" the customary law still, however, being regarded as the dominant body, as it is the basis of the whole. While it possesses energy and elaboration it lacks, nevertheless, symmetry and beauty. It

must be admitted of it, as even Bentham was obliged to admit of English law, that while it may be confused, indeterminate and ill-adapted, as a repository of precedents and principles "it affords for the manufacturer of real law a stock of materials which is beyond all price." We are yet accumulating data for our final and perfected jurisprudence, and its "exuberance of principles" is the most inestimable characteristic of our law. It was the uncontrolled multiplication of cases which made the perfected Roman law possible, and this multiplication of cases in our books is working to a like end, making of our law essentially a law of principles, rich with references and guides to their application, the mass and confusion of authorities being more apparent than real. There is progressing at the same time what Sir Henry Maine calls "tacit codification." "Every time the result of a number of cases is expressed in a formula, and that formula becomes so stamped with authority \* \* \* that the courts grow disinclined to allow its terms to be revised on a mere appeal to the precedents upon which it originally rested, then, under such circumstances, there is *pro tanto* a codification." Illustration of what is meant would seem almost useless, and yet I may refer, as affording instances of such formulations of principles, to the summary by Church, Ch. J., of our law concerning a married woman's contractual liability, in 58 *N. Y. Rep.*, 82, and to the long line of cases from 3 *N. H. Rep.*, 508, in 1826, to 7 *Wall., U. S.*, 205, in 1868, which formulate the law of duress of imprisonment.

These characteristics all conspire to assure us that our law is still immature; and this condition is the only one possible in view of its causative environment. We are a new people in a new land, and our full national resources are still undiscovered. New forms of productive industry and of coöperation bespeak the rapidity of our development. We still possess all the marks of youth, notwithstanding that it is a youth enriched by our grand inheritance from the past. Our law, consequently, is as rich in principles as any old law, but as flexible in form as any young one. If its form is blameworthy for the crude and unscientific condition of our system of justice; if, in a word, our law like every other mixed customary and statutory

law has its superfluities, its deficiencies, its obscurity and its confusion; if it is chaotic, anarchical, vacillating, and unsymmetrical, it does not, therefore, necessarily follow that we should change our legal system. We are bound, rather, to retain the system which is the natural product of our political and economic condition, and to remedy the evils of our law by recourse to the methods known to it, without tearing it up by the roots and transplanting it.

It is the fashion of the hour to charge all the evils of the law upon the absence of a Code, even though they be inherent in the very nature of law itself, and are such as must exist in some measure in every system so long as imperfection is a characteristic of human institutions. That our law needs reforming is undeniable, but the need for reform and the necessity for codification are not interchangeable propositions. No one more bitterly (and quite justifiably) attacked the English law of the early part of this century, no one believed more firmly in the necessity for codification, than Bentham. No one prayed more ardently for "the duly arranging hand" as the only possible salvation, and yet, as Harrison reminds us, hardly one of those things which Bentham attacked can now be found in the actual state of the law. "English law has worked itself free," he says, "from whole masses of those feudal anomalies and accidents which, in the last century, made it seem something so monstrous and hopeless to men trained in the civil law." If, in the same way, our law has worked itself free from greater evils than any that now exist, without having had recourse to codification, without revolutionizing its spirit and discarding the system which made possible all antecedent growth, then the simple need of reform, so long as the safety of the State and the continuance of practical justice are not jeopardized, does not prove the necessity of a Code. The future of our law may be safely trusted to the remedial energies and processes which are inherent in our system and which have operated so effectually in the past.

The advocates of codification have used the term in such widely differing senses that the limits of a short essay will not admit even of reference to the principles of all of the different

schools. Some would, like Sir James Stephen, condense and summarize the law as it exists, arranging it in systematic order but adhering strictly to existing terminology. The result of this method, however, is rather a Digest than a Code, for a Code *makes* law while a Digest merely *summarizes* it. Others would not only restate the law in a condensed and symmetrical form, but would, while retaining every existing part of it, aim at a new and consistent terminology and a perfect logical distribution. A third school, and they are by far the most numerous, would not only republish the entire law, but would embody with it fresh legislation. Such was the scheme for which provision was made in the New York Constitution of 1846, a scheme looking to the abolition of the law in its existing form, the retention in a new shape of so much of it as was good, and the addition of such new legislation as should make the whole harmonious and consistent and bring the law as nearly as possible to ideal theoretical perfection. As matter of fact, no people has ever adopted a Code of any other than the last-described class, there being *no example in history of a Code which looks only to the systematization* and avoids the reconstruction more or less of the body of the law. As codification has been advocated and undertaken in this country, it has looked not only to the reduction of a wilderness of rules to a coherent, consolidated and symmetrical body of general conceptions, but to the embodiment of improvements suggested by comparative legislation; thus not only changing the form of the law but making innovations in its substance. Such I judge to be codification as the term is used in the question under discussion. Its object then is not simply to reform the law—for that end can be obtained by existing customary methods and by occasional legislation—but to perfect it logically and substantively; in a word, to substitute an all-comprehending Code for a mixed customary and statutory law, the law of mature national life for the law of a still growing and immature national life.

The question, then, is presented—to paraphrase Mr. Amos—whether the course of changing conceptions and progressive enterprise in the field of law is an unending one, or whether a



period ever arrives when the formal shape of the whole body of law may be finally and definitely fixed. That such a time ever arrives I doubt, and the doubt is founded upon the inherent imperfection of all law *per se*, and the endless changes of life and environment which may not be foreseen by human wisdom in its narrowness. Had Gaius, for instance, codified the Roman law, his Code would either have been outgrown or the development of the law would have been arrested—for masterly as was the condensation of Gaius, compared with the Justinian law it was a semi-archaic system. Even the *Corpus Juris* of Justinian was never the actual practical law throughout the Empire, but was superseded by paraphrases, abridgments and later compilations. So, if Blackstone had codified the law, his Code would have been outgrown as his *Commentaries* have been, unless it had succeeded in strangling the principle of growth. Heron happily says: "Laws once digested remain as they have been written. Men, on the contrary, never repose—they always act, and this movement which never stops, and the effects of which are differently modified by different circumstances, produces at each instant some new combination, some new fact, some new result. Many things are then necessarily abandoned to the empire of custom, to the discussion of learned men, to the arbitrament of judges." The only universal and unchangeable elements of law are those principles fertile of consequences which do not descend into detail and which are not subject-matter of codification—the general maxims which are the only *leges legum* known to jurisprudence.

Now, it is maintained that the time for codification arrives only when a nation is matured, and when its perfected law has to be reduced to a systematized and statutory form in order that it may survive its parent civilization. But even admitting that there is a time in the history of progressive peoples when codification becomes proper, it remains to be answered when that time is, and how a people is to know beyond doubt that it has come. Without discussing this question at large, it is sufficient here to determine whether the time has arrived with us. Unquestionably if our law were so wholly inadequate

to its purpose as to be out of coincidence with the popular will, so inadequate as to require its reënactment and resystematization in order to perpetuate the State and to maintain justice—as was the case in France after the Revolution of '89—then a Code of laws would be not expedient merely, but an absolute necessity, and its promulgation would be, as was that of the French Codes, not an act of codification but of new and original legislation. If we had no printing-press, and books were not only scarce but inordinately expensive, and legal treatises scarce and expensive beyond all others; if at the same time our law were already digested in some such way as was that of Rome by the perpetual edict, then a condensation and republication of it would be not only practicable, but would be required by every principle of justice and of policy—as at Constantinople. But that would not be codification in the large modern sense of the word any more than the compilation of the Pandects was codification. From whatever side of pure jurisprudence the work of Justinian is regarded, it was an evil, but an evil rendered necessary for the avoidance of greater evil—a matter rather of state-craft than of the philosophy of law.

Admitting that our law achieves practical justice—that it is practically sufficient for the fulfilment of the function of law, and that there is no such exigency as in the Byzantine or French Empires; and remembering that Prussia, Austria and Italy, where the modern Roman law is the foundation of the legal system, and where the customary law has for ages been subordinate, afford nothing analogous to our own case; the advocates of codification must show not only that jurisprudence is sufficiently advanced among us as a science, and that the times sufficiently excel in learning and knowledge to make possible a Code which will meet the requirements of a ripe jurisprudential philosophy, but that the habits of the community will render the use of a Code more or less popular and effective. Now, as matter of fact, jurisprudence is in its very infancy. It is characteristic of the stage to which our law has developed that this should be so. Nothing is more indeterminate than the scientific classification of its parts, unless it be

its terminology. We lack the education and the language for codification. We are not possessed of the jurisprudence or of the jurists. This is due to the condition of our law, undoubtedly, but it is the fact none the less; and, so long as it remains the fact—and it must so remain just so long as the standard of legal education is low and the reformatory remedies that are at hand lie neglected—a Code which shall leave us better instead of worse is out of the question.

The French, after 1789, required a Code to harmonize two wholly different and conflicting systems of law, the *droit écrit* and the *droit coutumier*, not only, but to bring the whole into consonance with the principles of the Revolution; and it was required, further, to enforce the policy of the new and imperial government. The New York Constitution of 1846 was passed when our people went farthest under the urgency of an extreme democratic-republicanism in their advocacy of renovating the State and its institutions, when they were most enamored, in a word, of the spirit of '89. They determined to codify their law as the French had done, and yet their condition, and that of their government and their law, had not one trait in common with those of France at the time of the promulgation of the Codes. As to whether the people are now fully ready to perfect the proposed change, is a matter hard to get at; and until they make it plain that they are ready for it, our legislators and lawyers should hesitate to change the system which is part and parcel of our national psychology.

Codification means legislation, the exchange of a creesive and elastic law for an inherently unalterable statutory enactment. The first, or customary law, as Sir John Nicholl says (3 *B. & Ald.*, 245, *N.* [ab]), "is governed by the *jus tacito et illiterato hominum consensu et moribus expressum*," and so in the long run it is but a reflection, or organized reëxpression, of the social ethics of a nation. And as it reflects the popular conscience, it in turn reacts upon a people, and insensibly but certainly moulds its habits and its opinions. "Customs," says Lord Bacon, "are laws written in living tables," and customary law has all the breadth and liberality of spirit, all the adaptability and potentiality of progress possessed by the

people among whom it prevails. Its standard is the national morality. In the long run it works a justice in exact accord with the public demand and the public conscientiousness of right and wrong—and it preserves the liberties of a people as no other form of law has ever done. Such are the grand and monumental merits of the common-law.

A codified law, on the other hand, is open to every objection that can be urged against legislation. In the first place, in the absence of a scientific jurisprudence—which is the connotation of all of the facts of life studied in relation to the fact Law—there is no standard of legislation; wherefore, Legislation falls short of Common-Law, which, guided by principles and not by words, seeks to do such justice in cases as they arise as will comply with the intangible and unexpressed, but none the less existent, standard of public morality. A formal standard is not needed for the latter; but for the former, which is declaratory and inflexible, it is absolutely required. Further, legislation, which always requires interpretation, is left nevertheless, in the present state of juridical and legislative science, entirely without a standard of interpretation.

From actual practice, we know that the crudeness and imperfection in the form and terminology of our statutes actually confuse the law and hinder the administration of justice; and not because they break in upon the system of common-law as it existed, but because the sciences of Jurisprudence and Legislation are so little advanced among us. Stability, amendment and progress are the marks of a sound legislation; but, as practised among us, legislation tends only too often to unsettle the law and render it uncertain, with only questionable success in the matter of amendment and reform. Bentham dreamt of a statute-book which, upon one's turning to the appropriate part, disclosed the exact law in a given case, "all plain reading, no guesswork, no argumentation; your rule of action—your lot under it lies before you. Thus might it be, thus ought it be;" but thus has it never been, thus can it not be in the present, and possibly in no stage of legal science. We possess no machinery for the proper preparation of enactments. It is useless for us to

discuss what Legislation would be with an ideal Legislature ; we must consider it only, for the purposes now in hand, as what it is, what with a Legislature far from ideal it can only be. But passing from these general objections, growing out of the undeveloped state of legislative science, the character of legislative bodies, and the machinery of legislative enactment, all of which apply with full weight against a Code which has to run the gauntlet of our Legislature ; let us turn to some, as yet here insufficiently considered, objections to codification.

The objection to a Code—that to achieve its end it must legislate in anticipation, and that to legislate in anticipation is an impossibility—seems to me never to have been squarely met. Referring to this objection, Mr. Field says : “ You may, it is said, stretch your foresight to its utmost limit ; you may exhaust all the sagacity and ingenuity of the human mind ; the future nevertheless is a sealed book, you cannot look into its unopened leaves ; and, therefore, attempting to provide for what they contain, is spending your strength in a vain and fruitless effort ; ” and it does not seem to me that, clever as Mr. Field is, he answers the objection. To say that, although we cannot provide for all cases, we will provide for as many as we can, is not an answer ; for the common-law, whatever may be its imperfections, is so rich in principles that it reaches all cases as they arise, and the advocates of a Code for the sake of accessibility would substitute for a system admittedly adequate one admittedly inadequate ; notwithstanding that adequacy and not accessibility and logical order is the *sine quâ non* in law.

And not only is a Code incapable of an exact anticipation of the cases which will arise for determination, and consequently inadequate and insufficient, but it perpetuates into to-morrow the errors of today beyond all possibility of escape, except by isolated legislation. Until such legislation is had, “ the inconvenience, the impolicy, the hardship and injustice of the law afford no warrant for its abrogation by the judiciary ” (*Ludewig v. Pariser*, 4 Abb. New Cases, 252) ; and so soon as isolated legislation has begun, the law begins again to become unsymmetrical, inaccessible and involved.

A mistake once made, an error once perpetuated, a single *casus omissus* is fatal to justice, and irremediable except by appeal, when it is too late, to a political tribunal which is too apt to leave the law worse than it finds it. It is the inadequacy of a Code that is its chief objection. This is peculiarly so in the matter of fraud. "The modes of fraud and wrong-doing by which men endeavor to evade the vigilance of law," says Mr. Amos, "are so varied and so constantly new that it is impossible in anticipation to frame particular language which shall distinctly describe all the acts that it is the intention of the legislator to prevent." In the same spirit Lord Redesdale said (*2 Sch. & Lef.*, 666): "The possibility will always exist that human ingenuity, in contriving fraud, will go beyond any cases which have before occurred." But Lord Redesdale shows how new contrivances for fraud, be they never so cleverly conceived, cannot escape the common-law; while Mr. Amos has to admit that they cannot be provided against by a Code; and it may be presumed that Mr. Field had this among other things in view when, in the introduction to his Civil Code, he said that he could not safely attempt to define all the acts by which men might hereafter seek to countervail the public policy of the State, or to foresee what the public policy should be in ages to come. The wiser advocates of codification have come to admit that a Code must fail in a measure in the respects referred to, but they say it compensates for this in that it makes the law knowable and certain, and reduces it to a harmonious system. If such were beyond all doubt the case, there would then be much to say in behalf of a Code, but that it is the case is by no means beyond controversy.

So long as an undefined legal vocabulary and an undeveloped legislative science beget inexact legislation demanding judicial interpretation, so long will our law remain in its present state of uncertainty, so long will it continue unknowable. It is said that our unmanageable legal literature is due to the absence of a Code. But it is answered that the necessity for comments and reports of decisions is perennial. The French and Roman law, to which such continued reference is made by the codifiers,\*

are not comprised in two books, but in many. So little do the Pandects and the Institutes speak for themselves, that it is only after years of study and by the acutest historical research that we are able to read them aright. For ages we have possessed the Justinian texts, but they were a closed book to us, or a simple snare, until Niebuhr recovered the MS. of Gaius in the chapter-house of Verona, and Savigny recast and rearranged the world's knowledge of the *Corpus Juris*. The French law is unintelligible without the aid of Pothier and without reference to the many laws anterior to the first Empire which are still in force, and the host of commentators upon the old and the new system. Who that has ever seriously tried to digest and keep pace with the *Bulletin des Lois*, *La France Judiciaire*, and all the rest of the periodicals in which legislative enactments are promulgated, and the decisions of the courts announced, will say that the French lawyer is happily relieved of the necessity for consulting many books? The law, in fact, is overrun with commentaries, and is as uncertain and undiscoverable as our own—more so in reality, for with us a precedent is a guide, and has somewhat of weight, while in the French law it may be disregarded with absolute impunity, and is no indication of how the same law will be administered a second time upon the same state of facts.

The plea that a Code makes the law certain and readily knowable may be in no way so well answered as by reference to the French *Code Civil*, to our National and State Constitutions and to our Codes of Procedure; and all of these illustrate at the same time how futile it is to expect by codification to prevent the growth of a common-law. The French *Code Civil* devotes only four articles to the subject of payment with subrogation, which give but the faintest notion of the law upon the subject, which leads M. Demolombe first to exclaim: "*C'est bien peu ! pour une matière si compliquée, et d'une telle importance doctrinale et pratique,*" and then to give four hundred pages of his *Cours du Code Napoléon* to the subject. So our actual National Constitution is not the written Code of institutional political law drafted by the



Convention of 1787, but the *erescive* law which has grown up around it as Roman law grew up around the Twelve Tables. The "implied powers" are all the result of a new growth of customary constitutional law. Turn to just these few words, for instance: "Congress shall have power to regulate the commerce with foreign nations," etc., and then to the works of the commentators and to the long line of authorities from *Gibbons v. Ogden* to *Gilman v. Philadelphia* (3 Wall., 713), and say whether our constitutional law is fixed or *erescive*; say what different meanings the few simple words have possessed as one view or another of public policy has predominated. So Mr. Field's Code of Procedure became intelligible only after our courts had piled up the interpretations which fill Abbott's and Howard's reports, and left the law of practice more voluminous than it had ever been before. No sooner was it becoming certain than it was conceived to be necessary to recodify it to harmonize the text with the decisions and with logic of the whole body, and we have had imposed upon us an unscientific and partial work, which unsettled the law, necessitates another quarter of a century of interpretation and amendment, and demonstrates beyond the power of disbelief that our legislative machinery and the backwardness of juridical science make scientific and systematic codification a practical impossibility, and any attempt at it absolutely inexpedient.

Thus codification does not achieve the benefits alleged. An end cannot be put to the growth of a common or customary law so long as a nation is progressive, and the evils that are attendant upon its law are not adventitious, but inherent in the nature of law itself. Codification impedes the growth of the law; it cannot better the law. The best system of law is a mixed system of statutory and customary law, with the latter as the foundation of the whole. This system permits an endless and uninterrupted development, and supplies a ready means of reformation. It is fitted to our age and our circumstances. It is not an accidental but a necessary part of that *volksgeist* which makes us, as a people, what we are. To

revolutionize it in favor of a system out of coincidence with our national development, and which would place an obstacle in the way of spontaneous legal growth, without remedying the evils complained of—which evils are remediable by well-recognized and less hazardous processes—is to outrage every principle of state-craft and of jurisprudence.

WILLIAM M. IVINS.

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## VIII.—REVIEWS AND CRITICISMS.

*Boston Monday Lectures : Socialism*, with Preludes on current Events. By JOSEPH COOK. 12<sup>o</sup> Boston : Houghton, Mifflin & Co. 1880.

As a whole this book appears to undertake to solve the social and political problems of the day. The "preludes" are videttes to the lectures. The lectures discuss, in outline at least, creeds of all kinds, political, economic, philanthropic, social, theological. Idiosyncrasies in others are criticised by the author with severity, and his own are displayed ostentatiously. As a whole, too, the object kept in view is everywhere to sparkle with indignation, to interest by striking contrasts, to incite a holy war, and to propagate the peculiar religious belief of the author. Interwoven with these is an effort not sufficiently disguised to establish a claim to vast learning, to multiscience.

It will be perceived that such objects are very vast in their scope, such motives for the most part laudable or allowable. But it must also be granted that a work of such scope is one requiring capacity in its performance which is rarely accorded to men. A worker in such vast immensity should be if not omniscient at least multiscient ; for it is nothing less than the correlation of man and nature. To decide the question of socialism alone, hemmed in as society is with all the conditions of civilization, to decide whether indeed the world may not witness a higher civilization than any that has yet appeared, can only be achieved in a work of three hundred pages by taking for granted nearly all of the claims of the conservative on the one hand, or nearly all of the claims of the innovator on the other. That is to say, the range of subjects comprised in these essays are treated deductively. There is not room to accumulate evidence tending to establish even the chief of the assumptions that must be made. It is assumed, and must be assumed, in order to get through at all, that the present social institutions and political results are nearly satisfactory, that the Declaration of Independence announced social and not political principles, and that that declaration was a summary of axioms. It is also assumed, and on the plan of the book *must* be assumed, that Trinitarian Christianity is true, and that Romanism is an objectionable

phase of it. Besides these vast assumptions are others connected with finance, with education, with cities, etc., which save time, and enable the author to accomplish the objects enumerated above without encumbering himself with the burden of such authorities and facts as are deemed necessary in philosophical treatises where the object is the getting at truth and wisdom. In this manner, with these advantages of being in light marching order, the preludes and lectures are enabled to sweep through a vast array of hostile encampments, concealing in part the slight impression they make on the substantial strength of the enemy, by fierceness of invective and personal abuse. It is a sort of Chinese war with gongs and cymbals, upon the camps of socialism, communism, sand-lotism and free religion. It is a kind of demonstration, like a spectacular act or procession, in favor of orthodox Christianity and the Gospel according to Joseph Cook. If more than this, it is an opportunity to return the abuse which has been so liberally bestowed on Joseph Cook.

Lest it may seem improbable that any man should attempt to solve so much in so narrow a space, we give a synopsis of the contents of this pretentious book. The subjects treated in it are : 1. Socialism in connection with universal suffrage, with a prelude on postal laws and inhibited literature. These are compressed into twenty-seven pages. They require two hundred or more. 2. Socialism a political blunder, with a prelude on commercial honor, on bankrupt-law, etc. This is compressed into thirty pages, but requires five hundred to be thoroughly discussed. 3. Self-help, not State help, the hope of the poor. This has a portico also on culture. It is compressed into twenty-nine pages although it wanders over an indefinite number of schemes, literary and social, and alone requires a large volume to develop a fraction of them. Yet, brief as it is, it is loaded with ornaments of rhetoric and displays of learning which leave small space indeed for the subject announced. 4. Coöperation as a help to the poor. The prelude to this is on the Chinese in America. The intricate problem of coöperation cannot be dealt with except in the most general way in so short a treatise ; and the Chinese question is not to be disposed of by spiteful allusion to sand-lot oratory, and an outpouring of epithets. Twenty-six pages are given to finally demolish all the legislation of California and the United States in reference to the Chinese ; to discussing the law of treaties, and the social and religious advantages of Oriental infusions.

There are, besides the foregoing, some six other lectures and six preludes requiring, according to the author's ideas, only two hundred pages. It is evident that they can be only thumb-nail sketches, somewhat above the articles which appear in the average country newspaper, but far below the standard of metropolitan journalism. The book can not be regarded as an authority on any one of the subjects it professes to treat, or as a repertory of facts. There is little or no information to be gleaned from these

short essays. On the whole, then, we are constrained to say that there is too much attempted and too little attained. And it would seem that even for a less pretentious effort there are fatal weaknesses in the mind of Mr. Cook which would make his efforts in such a field of small value. He is too subjective and callow. His callowness, and we might say his sophomoric style, impair his usefulness. This is very noticeable in his flights of rhetoric, and his holy phrases. As an instance of rhapsodical fustian take the following passage (pp. 129 and 130):

"Charles Sumner's ghost stands on the Pacific coast, and from under the shadows of Mount St. Elias points out to us that in Alaska we have the key to the northern Pacific. Seward's spirit hovers along the Aleutian Islands, looking upon us through the smoke of the ten volcanoes which there belch their fire and ashes toward the sky. John Eliot, through the clear northern azure, spreads his hands above the Yukon. When I turn that way, I see, behind these historic spirits, the angel that appeared to one of old, and said, 'Come over into Macedonia and help us. [Applause.]"

These pretended visions and rhapsodies occur frequently and are generally credited with the affix, [Applause]. This indicates that somebody thinks them very fine. They strike us as vealy. There inhere in them vanity, egotism, puerility. Equally offensive to good taste and redolent of egotism is the canonization of those whom the author delights to honor. How does the author know that William Cullen Bryant wrote a letter "just before he was caught into the Unseen Holy?" (p. 70.) Passing from these defects of style, these tawdry ornaments, which it will be seen are the outcome of quackery, we shall find that there is a deficiency of kindliness, a tendency to epithets, and an indulgence in invective which, taken collectively, indicate a hard heart, and bellow with a savage theology. The violence of language is noticeable. Speaking of socialists, and freethinkers generally, the mind of Mr. Cook is soon lashed into tiger-like rage. He calls them "*ogres*," "*moral-cancer planters*," "*leper's leagues*." Their ranks are black; their God is a cannibal (p. 13). In this connection he asserts that a Boston seminary publishes no catalogue, and examines all letters lest these should contain some immorality. He winds up the tirade with the statement: "Out of free religion has grown free irreligion, and out of infidel liberalism, immorality." The remedy he argues for is "arrests" (p. 15). So the doctrine which Mr. Cook believes in (which seems to be a kind of mongrel Calvinism and Methodism), is to be enforced by the jail, and it is our duty to bury this "cannibal god" alive (p. 15). These are the methods of force, these are the tactics of the Inquisition, and no doubt Mr. Cook would like to see a Protestant gibbet and rack managed by the Saints, if the jail should fail to crush freereligion. No other inference is probable according to the passages scattered here and there throughout the (so-called) prelude in pp. 3 to 16.

The man is so blinded by the intensity of his convictions and the malice of his intolerance that he seriously advances the extreme statements of his opponents as their average sentiments, and confounds the voice of the minority with that of the majority. (See pp. 43 to 47.) He is so superficial, too, in his examination of the subject that he ignores the difference between communism and socialism, and visits on the whole in lump the fires of his ignorant rage. For the rest, his citations from history are hackneyed, and his assertions much more numerous than his facts, or proofs. The oft-told story of the king who wished every peasant could have a chicken for dinner (p. 16), is made to do service as a startling illustration, *i. e.* "applause" follows it! *L'état, c'est moi*, gets quoted again, and the story of Magna Charta.

In his lecture on Coöperative Savings-Banks, he has an opportunity (which he does not neglect) to rail at the much-abused officials of savings-banks (pp. 138 to 139), and to intensify the distrust felt of them. And he does not fail here or elsewhere to exalt the imperialistic and forceful methods of Germany in theology, in finance and in education, making unjust comparison between the relations of Government and people there and in France and the United States. No young man, we maintain, can derive from this author a just estimate of the social forces at work anywhere. On page 53 he makes the grossly erroneous statement that the interest on \$2,300,000,000, "at the lowest rates at which money is borrowed, would be greater than the present national revenue." Our annual national revenue exceeds \$325,000,000, or quite three times the annual interest on \$2,300,000,000! On page 55 the absurd statement is made as an axiom that "Governments acquire power through patronage." The obverse of this is true: Governments acquire patronage through power. The power of Governments, their authority and stability, is derived from belief in their expediency, or in their divine right to exist.

All these errors are weak enough, but surely no believer in perfectibility ever announced a scheme for its attainment more impracticable than that which Joseph Cook develops in an allegorical "dream" which is doubtless deemed by his admirers a choice bit of literary composition and a wonderful exhibit of comprehensive learning, though we are matter-of-fact enough to look on it as a wild scheme, told in an affected way. Mr. Cook calls this scheme for perfect culture (p. 62) "a vision of the inner universe and its harmonies, that is, of the laws of culture, the necessary conditions of its completeness, and the mischief of its fragmentariness." He then very verbosely makes a great display of the books he has read, or claims to have read, giving a partial syllabus, which is curiously characteristic in that it omits from the list of philosophy all opponents of *Christian* philosophy, and from the evidences of Christianity all critics of these evidences, particularly the great names of Hume and Renan. So that even

his scheme of universal culture is to be like himself, one-sided only. The object is to make a perfect Christian in culture, not a savant. But narrow and one-sided as this scheme of "culture" is, it makes up in height and length what it lacks in solidity or breadth. You are to have Joseph Cook's half of (1) Mathematics; (2) Logic; (3) Rhetoric; (4) Languages; (5) Political Economy; (6) History; (7) Physics; (8) Chemistry; (9) Natural History; (10) the Fine Arts; (11) Music; (12) Gymnastics; (13) Metaphysics; (14) Ethics; (15) the Christian Evidences. In short, for the student-life of man, which is from twenty to sixty—or forty years—a course of study is laid down which it would take six hours a day for four hundred years at least to finish! If, then, a man reads in ten years what should take four hundred years, he can only read the marginal notes, or extracts from them, and he will be superficial and insufficient. Mr. Cook has forgotten or despises the ancient saying that it is "better to know everything of something than something of everything," and takes the reverse of this maxim as a rule of culture. This arises partly from his callowness and partly from his maw-worm ambition which covets every prize, in every walk, in literature and in science. But the desire to do this is not more agreeable in literature than on the stage. Bottom in *Midsummer Night's Dream*, even though he thinks he can "roar like a sucking dove."

The eloquent passage of Henry Thomas Buckle, the great historian of civilization, wherein he laments the shortness of life, should be pathetic enough to reach even a man so enwrapped in self-conceit as Mr. Cook, and demonstrate to him that he is playing the part of Bottom. Speaking of his effort to make a science of history, Buckle says, near the close of his fourth chapter in the second volume:

"To solve the great problem of affairs; to detect those hidden circumstances which determine the march and destiny of nations; to find in the events of the past a key to the proceedings of the future, is nothing less than to unite into a single science all the laws of the moral and physical world. \* \* \* Perchance the human mind is hardly ready for so vast an enterprise. \* \* \* Let him toil as he may, the sun and noontide of his life shall pass by, the evening of his days shall overtake him, and he himself have to quit the scene leaving that unfinished which he had vainly hoped to complete. \* \* \* Once I own I thought otherwise. Once when I first caught sight of the whole field of knowledge and seemed however dimly to discern its various parts and the relation they bore to each other, I was so entranced with its surpassing beauty, that the judgment was beguiled, and I deemed myself able, not only to cover the surface but also to master the details. Little did I know how the horizon enlarges as well as recedes. \* \* \* Of all that I had hoped to do, I now find but too surely how small a part I shall accomplish."



The task undertaken by Buckle seems of vaster proportions than that which Cook has assigned to himself, but in this respect there is not so much difference as there might appear. In addition to man in communities or as States, Mr. Cook dwells on the individual man, and his institutions. It is needless to say that this investigation requires nearly as many statistics, and as much generalization, as the problem of civilization as affected by nature. The contrast between the diffidence of Buckle on the one hand and the confident arrogance of Cook on the other is worth noting, and is evidence of the charlatanism of Cook, as displayed in his scheme of study. His pretensions are not fortified by accuracy. He constantly blunders. He "cooks" his figures. Speaking of the bankrupt-law of the United States, passed in 1867, he says :

"Anybody whose property is worth over three hundred dollars can declare himself unable to pay his debts, and take the benefit of the law, putting his assets at the mercy of his creditors. The law makes no discrimination among the creditors. It was passed in the interest of the debtor class" (p. 36).

We commend this lucid passage to his admirers as bad law and self-evident foolishness. Voluntary bankruptcy may be entered into where the bankrupt *owes* more than three hundred dollars, but no one ever heard of the possession of assets being regarded as ground for bankruptcy! (See *Bump on Bankruptcy*, pp. 352-354, and section 5014 of U. S. Statutes.) Besides, the law did make nice discrimination among creditors. Claims for labor were preferred; secured claims were protected; there is a marshalling of assets for partnership or individual creditors, as the equity of the case and the origin of the assets may require. (*Bump on Bankruptcy*, pp. 219-223.)

Again, speaking of the Romanists, he says: "There are governmental returns showing that the Romish population doubles every ten years" (p. 204). Where are these returns? If there be any authority whatever for this statement it is not disclosed. It is contrary to the census, which gives an increase of only thirty-five percent. in the accommodation in 1860-1870, and certainly accommodation is always ahead of actual attendance as a whole; though here and there may be edifices insufficient in size, the want is soon supplied. The statement of Mr. Cook conveys a false impression, to wit, that America is favorably located for the growth of Romanism, that this is relatively stronger, and that we are in danger of falling under its control unless we fight against it. Thus he finds "recent statistics a little startling" (p. 204). Against this attempt to raise the no-popery spirit, and the general desire thinly disguised or openly avowed of inciting *odium theologicum*, may be cited the general facts that *indifferentism* is complained of by eminent divines among all denominations, and especially the Romanistic. There is indifference among the Catholics; there is a movement among Catholics to get up parochial schools in order

to check this indifferentism. For the facts are that while more than forty per cent. of our population, or about 20,000,000, are of Catholic blood, *i. e.*, either Romanists or descendants of Romanists by training and inheritance, there are less than nine millions of nominal Catholics in the land. This shows that we convert one-half from Romanism whose race or culture should make them Romanists. Witness a further fact, viz.: that when a parochial school is established, as in Providence, Rhode Island, not more than one-half of the Catholic parents send children to it. The danger, then, to Mr. Cook's theology is not from Romanism but from scepticism. There is an increase of free-religionists and these come in larger proportion from Protestants than from Catholics. Again, it is a stupid blunder to say that one-fifth of our people live in cities because of Sunday clubs and extravagance, and therefrom to argue great peril to the land (p. 38). This result arises from the law of supply and demand. It is a sign of civilization. Owing to labor-saving machinery it is possible that a larger proportion of persons can abandon food-raising and resort to manufactures and live in cities. There are no such disastrous consequences to the future of the country from this natural result of progress in the arts.

There is a gross misrepresentation of socialism and its purposes on p. 83, which consists in citing a few utterances from the "mouth of Proudhon, the lips of Lasalle, and the pen of Karl Max." That any considerable body of men, any organized society at present of the slightest political importance advocates confiscation of land, or general division of property, or even relentless war by legislation on vested interests, is one of the vagaries of a mind disordered by the constant practice of sensationalism.

In dealing with the Chinese question Mr. Cook makes the same mistakes as he does with regard to socialism. He cites the sand-lot oratory, as if that exclusively expressed the sentiment of the anti-Chinese party. He cites the selfish Gibson (the man who crowds hundreds of Chinese into a building adapted to one-fifth the number) as an authority. As well take the opinion of a grinding English landlord as to the lawlessness of Irish tenantry. And he argues (on pp. 102 and 103) for the Chinese on purely mercenary grounds. He would have us believe that it were better to have 20,000,000 Chinese than 10,000,000 Irishmen come into the country. He arrogantly condemns as folly and wickedness, and a breach of national faith, the revocation of a treaty with China,—thus fathering the principle that the treaty-making power is superior to the treaty-revoking power. It is needless to say that his tirade against the Irish is plentifully affixed with the word [*applause*]. He advocates the Chinese upon Christianizing grounds. This is precisely the defence of African slavery before the war. The introduction of Asiatic slavery is advocated for Christian purposes just as African slavery was advocated by "South-side" Adams and others. The pretence of philanthropic

motives in this respect is mere canting hypocrisy. Those who advocate so hotly the liberty of the Chinese to come here on the plea of philanthropy are secret advocates of caste, and desirous of establishing peasantry on the one hand and aristocracy on the other.

But Mr. Cook does not claim merely to be authority on matters of sociology and theology. He is also, he would have us understand, *au fait* on matters of science. He has entered the field before as a biologist, and now he looms up as a physiologist and explains to us the action of alcohol on the human system (p. 249). He prefaces what he has to say on the subject with this astonishing remark of Sidney Smith: "It is all nonsense to talk about not being able to work without ale, gin, cider and fermented liquors. Do lions and cart-horses drink ale?" He might have pushed the inquiry farther and asked whether lions and cart-horses drink tea and coffee (to which Sidney Smith was, and Joseph Cook is, "addicted"), eat wheaten bread and scalloped oysters, or indulge in thousands of other artificial products of an ever-developing human institution! Mr. Cook restates, and with much force, the argument from excess. We presume that no one doubts or disputes that strong alcohol will coagulate albumen and destroy life. So will acetic acid, which, taken largely diluted, as vinegar, and in *suitable* moderate quantities, is not only innocuous but wholesome, and is, we dare say, to be seen every day on Mr. Cook's dinner-table.

Whether the microscope does or does not indicate such frightful ravages on the blood-corpuscles of tipplers as Mr. Harriman's seventy-fifth objective is said to have revealed, we, who have had reason to be distrustful about observations with high powers, shall not discuss, being satisfied with the more gross and palpable lesions which follow the abuse of strong drink. It must certainly have been most appalling to that portion of Mr. Cook's audience not addicted to total abstinence principles, to behold with their mind's eye their own shrunken and shrivelled blood-cells putting forth spores and mycelium, and we hope that "this rare and impressive exhibition" will long be remembered by them.

We do not here assert that Mr. Cook does not claim some acquaintance with the results of experiments made by Anstie, Binz and other eminent physiologists who have contributed largely, of late years, to our knowledge of the *rôle* of alcohol in the human organism. What he does show is that he does not appreciate the bearing of these experiments on the subject which he discusses *ex cathedra*. It is an instance of that superficiality which distinguishes much that he attempts. A right comprehension of the position of both Anstie and Binz would have kept him from blundering respecting the action of moderate *stimulant* doses of alcohol, which he supposes to have some coagulating, and otherwise permanently deleterious, effect on the brain.

The action of alcohol on the tissues is bad enough. Heaven forbid that we should underrate it! What we do assert, however, in speaking of alcoholic beverages, and what we have the best scientific authority for asserting, is that small stimulant quantities (and by stimulation we mean with Anstie a heightening or increase of general physiological function without narcosis) do not *necessarily* affect the brain and nervous system injuriously; that Joseph Cook, by flying in the face of what the "latest science" has said on the subject, is guilty of unwarranted exaggeration, and that such really trustworthy living physiologists as Professors Binz, Gubler, Jaccoud, Stillé, Flint, Curtis, will regard this entire prelude of Cook's as nothing but rhodomontade and drivel, with much sound and little sense.

Time fails us to develop further in detail the blunders and misrepresentations of this book, but we ought not to pass without remark the vindictive spirit which breaks forth in the lecture on tramps and Sunday laws.

The remarks on high-schools are interesting and many of them valuable. But there is the distrust of the people which characterizes all persons with arbitrary tempers and aristocratic tendencies. Mr. Cook is afraid to leave salaries of teachers to local option (p. 199). He fears they will be reduced beyond justice. There is nothing to justify such fears. The competition between towns for securing the best has so raised in many cities the price of teachers as to have made the positions prizes to be scrambled for. Six hundred dollars is no more in New York than four hundred in Tenally or Fitchburg. As a rule, outside of New York there is no kind of skilled labor so well paid as teaching. In the cities of Massachusetts the average earnings of male teachers are double those of lawyers per head. And in many places teachers even for primary schools earn in a year double what is made by skilled dress-makers, and four times as much as saleswomen per day. A greater advance on these prices would be so burdensome to rural communities as to impair the popularity of, and perhaps destroy, the district schools. Our experience has satisfied us that teachers have generally in small places influence enough to make and unmake school-committees, and to obtain about as much as town treasuries can possibly spare. If it is different in New York City it is because of the imperialistic form of government there, and the independence of school trustees of the people. Mr. Cook's arguments, however, so far as they advocate sustaining high-schools are sound enough, though disfigured with the usual appeal to the *odium theologicum* (See pp. 282-284).

The views of Mr. Cook on taxation strike us as very crude and unsound. He says (p. 206): "The poor man pays only a poll-tax. The rich support the high-school." And in the discussion of female suffrage with property qualification the same idea is advanced. Now, all taxes are in the end paid by the consumer, and only when the tax is on luxuries or incomes can it be said to come

out of the person paying it. The excise is added to the cost of the manufactured article, the land-tax to the rent. The poor man consumes nearly as much as the rich man, and consequently is more interested in having low tax, than the capitalist. And experience shows that the poorer classes realize that they bear their share of the burden, with less strength to bear it, for in towns and cities where the poor rule, municipal expenditure is on a more meagre scale than where the rich are dominant. It is always the prosperous and the rich who originate schemes for large costly buildings, parks, and ornaments. It is always in school-committees and city councils the poorer members who are parsimonious.

And here we must terminate our review of this book. It interested large numbers in Boston, and doubtless was better adapted to be heard spoken than to be coldly scanned in the cabinet. Intensity of feeling in books is rare nowadays, and valuable from its rarity.

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*Political and Legal Remedies for War.* By SHELDON AMOS,  
M. A. 12<sup>o</sup> pp. 254. New York : Harper & Brothers. 1880.

THERE are those who hold that the legitimate function of a reviewer is simply to afford to the reader a clear and precise notion of the contents of a book and its governing motive. Criticism, they contend, so far as the reviewer is concerned, is limited to conveying to one who has not read the subject of the review an exact idea of its scope and purposes. In a word, they ask of the reviewer a microscopic photograph, a truthful reproduction, and not a judgment. This last, say they, if his work be well and properly done, they can reach for themselves, and more to their satisfaction. Put in another way, they want as much as possible of the author and as little as possible of the reviewer.

Whether they are right or wrong in their contention, we shall not here discuss ; suffice it to say that the method for which they plead may be applied with the best possible results to any of the books of Mr. Sheldon Amos, of whom we are about to speak, because of the clear and beautifully logical arrangement which characterizes all of his works. In his *Political and Legal Remedies for War* we have something more than a rhetorical plea for a perpetual peace. In what a practical and judicial spirit Mr. Amos approaches his work appears from this passage, in which he foresees the objections that will be offered to the idea for which he argues :

"It will be replied," says he, "that a time when War shall become obsolete, or the frequency of its recurrence much reduced, is too distant to furnish any guide to the conduct of the practical politician, or legal reformer. The prospect of such a time may invigorate the hopes of the philanthropist and even console the

despondent misgiving of the moral philosopher; but there is much on the face of the civilized world to point to the speedy advent of a season of warfare on an unprecedented scale, and little to suggest the hope of its speedy abolition."

In reply to this objection he only says:

"If it were conceded that, however distant the time of general and permanent Peace now seems, yet that time *may* come, and that it should be one of the objects of the International Law Reformer to make that time a reality and to hasten its arrival—so far as he could work in this direction without jeopardizing nearer and more certainly attainable ends of true value—enough would be admitted for the present purpose. But this concession is not a hard one to make as a little examination into the facts will make clear."

As proof that the abolition of war is not impossible, he makes reference to the fact that private wars, judicial combat and duelling have disappeared and war itself has undergone a sweeping change of character:

"The interminable, and seemingly irrepressible, private wars which marked the middle period of the Feudal system, and against which the abler Kings and Popes so perseveringly struggled by the use of such devices, as the 'King's Peace' and the 'Truce of God' are remarkable quite as much for the completeness with which they were superseded by the supremacy of Law and Courts of Justice, as for the complexion they imparted to the whole of the nascent political life of Europe."

As we look back through history we see that War is always giving way to Law. Originally war was the normal state of society; today its normal state is that of peace. But this change is no more remarkable than the changes that have been effected in the moral aspect under which war is viewed:

"In the most primitive period, scarcely any distinction can be drawn between the form and spirit of the contests and the unrestricted ferocity which marks the internecine struggles of wild beasts. The object of the fight is one little short of mutual extermination, and the conduct of it is marked throughout with personal vindictiveness and blood-thirsty hatred. In the next stage, War begins to be regarded as a means to an end outside itself, and more lasting than itself. The notion of national right, as a legal conception, has begun to disclose itself, and War is regarded as merely a temporary suspense of well-ascertained relationships. Under some such forms as those of chivalry, or of religious obligations enforced, perhaps, by the head of a common spiritual community, restrictive measures are introduced into the modes of conducting War, especially in relation to the treatment of prisoners and the observance of positive engagements. At a still later stage, the laws which regulate the conduct of War have become almost as numerous and cumbrous as those which ascertain the relations of peace; War is conducted after the most



highly systematized methods, and with the help of the most finely organized and expensive military and naval equipments; the scale of operations is enormous; the armaments so prodigious in times of Peace, as well as of War, as to encroach perilously on the labor needed to provide means of subsistence; the objects of War are increasingly complex and manifold; and yet, withal, it is theoretically held that War is (at best) nothing but a disastrous means to an indispensable end; that no greater injury ought to be done an enemy than is needed to attain this end, and that it is the imperative moral duty of statesmen to exhaust every pacific resource before plunging their country into War."

Thus Mr. Amos makes it apparent that war has no fixed character. He goes further, and shows that for some hundreds of years past the modes of conducting wars between civilized States have been steadily undergoing changes in one continuous direction, to wit, in the direction of diminishing the miseries inherent to warfare and in the limitation of its area. In addition to these tendencies the advance of economic science, teaching free-trade and amicable intercourse between nations, makes against the war idea and assists in diffusing an apprehension of its evils and moral anomalies. "But the growing dislike to War, on social and purely ethical grounds, \* \* \* has an independent origin of its own, and is connected with an aggregate of social, moral, political and religious influences which are only very remotely connected with commercial considerations." Of these influences the most noteworthy is that of "education and of popular knowledge directed to the economic anomalies resulting from War, and coöperating with this influence is the power of the newspaper press in modern times."

The spread of liberalism in Europe and the antagonism of philosophy are also to be taken into account here. So far as philosophy is concerned, all schools alike, even though they are so widely apart as those of Hegel and Comte, agree in this, that their tendencies are pacific. A fifth influence making against war is religion. Thus Christianity and its ecclesiastical institutions have greatly modified the character of war. Christianity ultimately tends to peace. Here it must be remembered, however, that the world's Christianity is nominal and not real. "The truth is," says the author, "that the populations and Governments are the reverse of what they call themselves, and a truly Christian population and Government have yet to be seen—if, indeed, they ever can be seen." Strangely enough, war has been defended on purely Christian grounds, as by the late Professor Mozley, who "intimated that the scheme of Christianity distinctly contemplated War as an essential remedial agency in the progress of society."

Mr. Amos is unsparing in his treatment of the English Church so far as its attitude as regards war is concerned, and shows that the English clergy are strongly in sympathy with the war spirit. This not only results from the relation of the Church to the State



but is incident to the conservatism of the Churchmen, who "have invariably resisted every reform which has finally been accepted by the whole country. \* \* \* The inherent temptation of Churchmen is to prefer order and quiet to right. The pursuit of right, as such, is always a restless search; it may lead to strange companionships; it may land the seeker in circumstances of temporary isolation; it may even, for many anxious moments, seem to point in the direction of anarchy or disorder. But the seeker knows that Right implies at length the highest order; and that to rest anywhere short of obtaining the object of the search is to live, or rather slumber, in a dreamland of shadows, which may at any moment flee away, and leave him homeless and heartless."

A passage like this, and there are others of them in the book, marks with the strongest possible accent the strength and purpose of the writer. He is not only a practical man approaching his work from a practical as opposed to a sentimental point of view, but a practical man dominated by a sense of right stronger than any sentimentalism.

His chapter upon the causes of modern European wars is especially valuable. Intervention, the defective state of international morality and international law, and standing armies, he ranks as among these causes. He instances the case of the *Virginius*, the circumstances of which are yet fresh in the public memory, as an illustration of the dangers to peace from the difficulty of instantly and authoritatively clearing up a doubtful point of mixed law and fact. In treating of standing armies he confines himself entirely to the objection that they conduce directly to war, without stopping to consider the grave economical, constitutional and moral objections to which they are obnoxious.

The main interest of the book attaches to the last two chapters, which discuss the remedy for war. In discussing the nature and possibility of political remedies, Mr. Amos declares against the possibility of any one remedy of universal efficacy. He assumes, however, a desire to abolish war, while admitting that it is not universally strong; and the achievement of the desired end he contends must be a constant political aim. He then proceeds to the discussion of international relations with the purpose of discovering remedies for war, and at the outset comes very naturally to the question of intervention, which, he holds, constitutes the most unsatisfactory chapter of international law. He contends that all neutral States have a common cause. "The object of a pacific policy," says he, "should be to remove all occasions of divided and self-regarding interests from these States, so that, free from all prejudices, mutual suspiciousness, and vacillation of purpose, they may combine, either to keep clear of the struggle or to throw their weight into one scale or the other, or insist that the matter in dispute shall be settled by arbitration, at the risk of the recusant party being treated as the general enemy." As to arbitration, that becomes more feasible every day as the sensitiveness of States as to

what touches their existence, independence or honor is reduced ; and as each State comes to feel a greater confidence in the disinterested integrity of foreign governments.

The discussion of the operation of war on trade, and of the laws of war as bearing on peace, is of deep interest, the same interest which prevails throughout the book, the interest which is always imparted to a work by ripe scholarship. Mr. Amos' book is essentially a treatise upon international law and international politics for the unprofessional reader, while it is at the same time a most valuable contribution to the library of the specialist. As compared with Kant's *Project for a Perpetual Peace* on the one hand, or the fine-sounding resolutions of the Peace Societies on the other, it is a revelation of the scholarly and practical manner in which the subject is susceptible of being treated.

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*Leçons sur les Phénomènes de la Vie, communs aux Animaux et aux Végétaux.* Par CLAUDE BERNARD. pp. 404. Paris : 1879.

THE problem of the nature and cause of life still defies solution, and the various definitions which have been attempted express only the conditions of vital phenomena. Men have essayed to throw light on the problem by certain hypotheses, the vitalist and the functional. Stahl, Von Helmont, Kant, regarded life as an interior principle of action, a sort of calculating intelligence with evolutionary powers, of which the developed organism is a resultant. This theory, with some modification, finds an exponent at the present day in Prof. Lionel Beale. The latter insists with especial emphasis on the spontaneity of vital as contrasted with admittedly physical phenomena.

Claude Bernard, in the volume before us, shows the weakness of the vitalist's position. The essential oneness of living beings with nature, and the reciprocal relations which they sustain with their environment, forbid the assumption of an indwelling archeus maintaining a constant struggle with natural forces and subjugating them. The principle of action of living bodies is not internal, exclusive of external atmospheric or cosmical conditions. The spontaneity of vital movements is apparent only—there are always exterior agents, stimuli, foreign to the living organism, which provoke active manifestations in the matter of life. In the higher animals these stimuli generally reside in and act through what Bernard happily calls the "interior medium," *i. e.*, the circulating blood ; but this interior medium is still an environment of the real living protoplasmic elements of the organism.

The definition of Bichat, which asserts Life to be "the sum of

the functions which resist Death," is superficial and inadequate. The opposition or contrariety between the terms life and death which Bichat predicates does not exist, for in every living substance destructive processes simultaneously accompany the constructive or organizing:—*Ce qui est vivant mourra, et ce qui est mort a vécu.* This simultaneousness of constructive and destructive operations in the matter of life is the most striking characteristic of living things. There is a perpetual coming in of new molecules to take the place of other molecules which leave the protoplasmic mass to enter into new combinations; it is a sort of elemental strife, a clashing together and a flying apart of atoms, to which a whirlpool offers a faint analogy. Flourens did in fact apply the term vital whirlpool (*tourbillon vital*) to the fundamental process always and incessantly going on in living beings. Hence, the definition of De Blainville finds also justification: "Life is a double internal movement of composition and decomposition, at the same time general and continuous." A similar definition, though more elaborate and precise, has lately been propounded by Le Tourneau. Vide *Biologie*, p. 1.

It is from this stand-point that Claude Bernard discourses of vital phenomena in these remarkable *Leçons*, which form his last offering to the world. M. Bernard speaks to us not as a theorist, but as a worker in experimental science, who made more useful discoveries in physiology and pathology than any other man of our day and generation. Who is not familiar with his investigations on the formation of sugar in animals; his researches on the functions of the sympathetic nerve, and the innervation of blood-vessels; on the pancreas, and its special physiological rôle; on the action of poisons and medicines, and on animal heat?

M. Bernard is unwilling to rank himself among the vitalists, though acknowledging his belief in an "evolutive force," which is about the only mystery, in his estimation, that will long continue to defy the researches of chemistry and physics. No one has combated more strenuously the ancient notion that life is an "interior principle," independent of conditions, and moulding homogeneous matter into form. The dependence of animals and plants on exterior conditions is especially obvious in that suspension of function occasioned in the lower orders by cold weather; the renewal of vital manifestations which accompanies the return of Spring. If man and other warm-blooded animals appear independent of the variations of their cosmical medium, it is because they have, surrounding their vital elements, another environment always of the same temperature, and little susceptible of change, *i. e.*, the blood. Moreover, the lowest as well as the highest vital operations demand the intervention of oxygen, supplied by the respiratory process, without which the living elements would lack their necessary stimulus. Life is the result of an adaptation (rather than a *struggle* as Bernard calls it, though it would be proper to call the process of adaptation a struggle toward equi-

librium) between the organism and surrounding cosmical conditions, and in its manifestations we recognize as factors :

1. Preëstablished laws which regulate the phenomena in their succession, their concert, their harmony.
2. Determinate physico-chemical conditions without which the phenomena cannot appear.

With the preëstablished laws we have nothing to do, any more than with the "evolutive force" which determines growth and development. These laws must find their explanation (as far as explanation may ever be possible), in antecedent conditions of atavism. Each living being continues and repeats the life of a predecessor organism, and we may in imagination follow each link in the chain to the origin in the far remote past, of all living beings, in the germs, single or multiple, from which they have been evolved. It is doubtless at bottom a problem of molecular physics, polarities and affinities; actions and reactions between a changeable organism and an ever-changing environment. But this is simply an hypothesis, based on some inductive experience, and appealing to our belief in the uniformity of nature and the sufficiency of natural processes for its warrant. It is, we repeat, only the conditions of vital manifestations that are accessible to us. Life is, in a word, the result of a definite and harmonious correspondence between external conditions and the preëstablished constitution of the organism.

M. Bernard, in that graphic and luminous style which characterizes all he has written, devotes considerable space to a discussion of the three "Modes of Life," as he calls them:

1. Latent life—life not manifested.
2. Life with oscillation; its manifestations being variable and dependent on the exterior medium.
3. Life that is constant, free and independent.

As an example of the first (latent life), we have in the vegetable kingdom seeds and grains, and in the animal kingdom, rotifers, tardigrades, and certain infusoria existing in, or capable of passing into, a state of complete torpor or chemical indifference, from which they can be revived by heat, moisture and atmospheric air. With regard to seeds, they have been known to remain years (centuries, say some) in this state of physical and chemical torpor, and have germinated when the suitable conditions were provided. During these years of "chemical indifference" there were absolutely no vital manifestations—no relations of exchange between the seed and its atmospheric environment—neither a borrowing of oxygen from nor a restoration of carbonic acid to the surrounding air. Experiments have also proved that certain dried animalcules—rotifers, kolpodes (certain encysted infusoria) may be kept for months and even years (five years at least, according to M. Bernard) in a state of inertia and chemical indifference as absolute as if they were, what they seem to be, particles of dust. Let a shower of warm rain come upon them,

and in the presence of the requisite conditions for vital manifestations (heat, moisture, oxygen) they swell up, manifest internal movements, display an organization (especially manifest in the rotifers which have a nervous system), and pass from a state of apparent death to one of vital activity. Desiccation, in these minute animals, suppresses vital destruction as well as vital creation (the two distinguishing characteristics of active life), and the physical and chemical properties of the tissues disappear. The protoplasmic elements coagulate, to become again fluid when suitable conditions present themselves.

Every philosophical student must stand in rapt astonishment before exhibitions of this sort witnessed not merely in M. Bernard's laboratory and class-room, but on a larger and far more magnificent scale in nature's laboratory every Spring-time, when multitudes of veritable resurrections take place under the influence of vivifying sunshine and genial showers.

What shall we call that power by which this seemingly dead rotifer-dust comes to life, unless we call it a property of the protoplasmic tissues, as much as elasticity, density, tenacity, equally restored by warmth and moisture, are properties of the general organic structure? Surely the definition of Beale, "Life is the power that moves and governs protoplasm," seems inadequate to explain the phenomena of latent life.

As examples of "Life with oscillations" we have all plants, and some animals known as hibernating animals, that pass the Winter in a state of torpor; not in a state of absolute chemical and physical inertness like the first class, but in a condition where the vital manifestations are at a low ebb. The material exchanges of assimilation and disassimilation are reduced to a minimum; but Spring-time exalts and restores the partly suspended vital functions.

Examples of the third mode of life are seen in all warm-blooded animals. Life is never suspended but courses on, seemingly indifferent to the material changes of environing conditions. This is because the "interior medium" which envelopes the tissue elements is unchanging, and the living components of the tissues are kept at all times supplied with proper heat and moisture. By this interior medium, too, the tissues are constantly furnished with force-giving, change-compelling oxygen, brought to them by countless millions of red blood-corpuscles, whose special office as carriers of oxygen is well known.

The plasma of the blood penetrates all the tissues and bathes the anatomical elements, and is the source and confluent of all the elementary exchanges. A complex organism is a reunion of simple organisms (bioplasts), which are the anatomical units, and which live in the interior liquid medium; and the fixity of this environment is the condition of that life which M. Bernard calls constant. The stability of the interior medium is the result of a perfecting of the organic mechanism, a physiological inte-

gration and coördination, such that exterior variations are at each instant compensated and equilibrated. The higher animal, instead of being independent of or indifferent to the external world, is in close and intelligent relation with it, and its equilibrium is the result of a continual compensation, established by the most delicate of balances. The conditions necessary for the life of the anatomical elements in their interior medium are the same that have been mentioned before—heat, moisture and oxygen, besides nutritive supplies. Equilibration is regulated by the nervous system, a special department of which presides over the heat-generating processes.

The heat-regulating function comprehends a nervous apparatus (thermic nerves and vaso-motor nerves) whose agency produces now a heightening, now a lowering of temperature, according to circumstances. Heat-production in the animate, as in the inorganic world, is due to intense chemical changes of the nature of combustions—these are simultaneous with all nutritive and vital actions. The living elements must be maintained at all times at a constant temperature; an excess of heat-production is largely compensated by the refrigeration attendant on increased perspiration; all local demands for an increase of heat are responded to by the vaso-motor nerves, whose action dilates the small blood-vessels, thus causing more warm blood to flow to the tissue or organ, and augmenting the physico-chemical calorific processes.

*Water*: This is an element indispensable to the constitution of the "interior medium," where the living elements pass their existence. There is in all animals of the third class an *ensemble* of appliances for regulating the fluidity of the blood and tissues; supply and expenditure being kept at a nearly uniform balance. Water is carried off by the secretions, and supplied by ingestion of aliments and liquids; and the nervous system (from which proceeds the sensation of thirst) is the mechanism by which compensation between the gains and losses is effected.

*Oxygen*: In the higher animals the introduction of oxygen is accomplished by the respiratory function, and the instrumentality of the red corpuscles as before stated. The hemo-globuline of the blood has been proved to be the active absorbent material of the oxygen. The respiratory movements are under the control of the nervous system, and rarification of the external atmosphere is compensated by augmentation of the quantity inspired.

*Pabulum*: In the higher animals nutrition is not direct, but it is indirect, and effected by means of *reserves* (a term applied by M. Bernard to alimentary products of digestion, stored away in the recesses of the tissues to be utilized in nutrition and work). The formation and accumulation of these *reserves* is a necessity of both plant and animal life.

The doctrine of duality as formerly applied to the two great kingdoms of life, has been ably treated in the work before us.

Animals and plants have been ranged in two distinct categories.

It has been supposed that there was a radical difference between animals and vegetables from the point of view of the composition of their tissues. Nitrogen was said to be an element exclusively pertaining to animal organization, existing but exceptionally in the vegetable. This teaching is now given up, since the wonderful modern discovery of nitrogenous protoplasm, the only *living, active, working* constituent part of both animals and plants, identical in modes, properties and chemical composition in both kingdoms.

It was once supposed that lignite or cellulose was peculiar to vegetable tissues, but this substance has been lately found in the cutaneous investment of the tunicata, and its analogy to the chitinous material which forms the carapace of crustacea has been shown.

But dualism found its first and strongest arguments in the reciprocal relations of animals and plants with the atmosphere. Animals absorb oxygen and exhale carbonic acid, plants exhale oxygen and absorb carbonic acid; thus the two behave in an inverse manner relatively to their environment. The animal has been called an apparatus of combustion, oxidation, analysis, or destruction; the vegetable an apparatus of restoration, formation and synthesis. The animal organism being incapable of forming any of the proximate principles of its constitution; fat, albumen, fibrine, sugar, starch, all these were furnished him by the plant, and the alimentation of the animal was simply the putting into place of materials solely elaborated in the vegetable kingdom. The milk secreted by the herbivorous animal, the caseine, butter, sugar were believed to exist, ounce for ounce, in the herbage on which he fed.

It has been one of the discoveries of this age that this sharp antagonism does not exist, an antagonism which contradicts the fundamental conception of life which necessitates the conjunction, in both plant and animal, of phenomena of creation and destruction. It contradicts the doctrine of *reserves*, before mentioned, as common to both plants and animals. The body is not nourished directly by its food, but indirectly, after a long effort of elaboration, in the tissues whereby the aliment is rendered fit to take its place in the organic synthesis. As for the formation of immediate principles, it has now been demonstrated that animals form fat independent of that which they ingest, and which exists as such in their food. They not only make fat, but that which exists in the food which they eat they transform. The dog does not fatten himself with suet (mutton-fat) but with *dog-fat*. It can also be demonstrated that the albumenoid substances which constitute the animal tissues are not borrowed directly from alimentary principles existing in vegetables. Before Bernard's time it was believed that sugar was formed only by the vegetable, but he demonstrated, by incontestable proofs, that the animal



fabricates for itself this substance, indispensable to vital function, at the expense of alimentary materials of a very different nature.

The antagonism of the respiratory function of animals and plants has not been confirmed by experimental investigation.

The reduction of carbonic acid performed by the plant is the function of chlorophyl; but chlorophyl has no relation whatever with that respiration which is identical in the two kingdoms. The vegetable protoplasm, the *uncolored parts*, roots, grains, etc., have the same respiratory properties as the animal tissues. The vegetable as well as the animal absorbs oxygen, exhales carbonic acid, and generates heat. The fact is not doubtful when one follows the germination of grains.

In fine, sensibility (the third point of antagonism between the two kingdoms) is not an exclusive attribute of animals. If plants do not possess locomotive functions, comparable to those of animals, they none the less possess a sensibility which is the *primum movens* of every vital act.

As for chlorophyl, even this wonderful substance, which, sole among organic compounds is capable of utilizing directly the force in the solar ray, is not, as was once supposed, the exclusive possession of the vegetable kingdom, for while there are multitudes of plants, as mushrooms, which have none, there are many animals of a low type, as *euglena viridis*, *stentor polymorphus*, which are distinguished by the possession of this green coloring matter.

These final results of physiological research, in which chemical analysis and the microscope have an important part, are but the expression of a general law which proclaims the unity of the animal and vegetable kingdoms. This law declares that life can only be engendered and maintained by death, creation by destruction. Life is the consequence of a perpetual struggle for adjustment between the organism and its environment. Internal changes are continually adapting living matter to external changes and individuality is kept constant though the material substratum is ever passing from living into lifeless form. The facts, familiar to all—that animal life is nourished by vegetable life, that plants through the agency of chlorophyl and solar light decompose carbonic acid, evolved by the animal, and form organic compounds, that vegetables are especially force-giving while animals are especially force-consuming agents,—are in reality accidental and contingent, epiphenomena, which in no sense militate against the general conclusion above stated.

This general conclusion is stated in these words: "General physiology, which takes into consideration only the general and essential phenomena of life, does not sanction the admission of a duality in animals and plants, an animal physiology and a vegetable physiology distinct. There is only one mode of living; only one physiology for all living beings. It is in the play of the various vital mechanisms, in the interior arena where the struggle

for existence goes on, that we find functional differences and varieties infinite."—*Leçons*, etc., p. 148.

The *IV<sup>e</sup> Leçon* is occupied with phenomena of organic destruction. Comprised under the heads, Fermentation, Combustion, Putrefaction, and is prefaced by this physiological axiom: "Every vital manifestation is bound in necessary relation to an organic destruction." As for fermentations, two kinds are recognized: one produced by figured, the other by soluble ferments. Of figured ferments the yeast plant offers a type, and of soluble ferments, vegetable diastase, and the digestive ferments (pepsin, pancreatin, etc.).

These ferments effect destruction of the complex components of the organism, their breaking up into simpler bodies, accompanied by hydration, and perform an important part in nutrition. The *reserves* of which we have before spoken—alimentary products of digestion which accumulate in the tissues—require to be acted upon by soluble ferments before they can be utilized for nutrition by the economy. The *inversive* ferments are charged with this transformation.

*Combustion*: It has been known since the time of Lavoisier that the molecular waste which accompanies vital phenomena consists in a sort of oxidation of organic matter; it is the equivalent of a combustion. Here is the principal, if not the only, source of animal and vegetable heat. This combustion, however, is not direct; and the true rôle of oxygen in the organic economy is still unknown. It is, however, certain that this gas is fixed in the organism, as one of the elements of its constitution.

In entering into combination with the elements, it renders them excitable; it compels those changes without which life is impossible. Its agency, therefore, seems that of a general excitant. A simple experiment with the vibratile cilia of the respiratory membrane of the oyster proves this. If you expel the oxygen from the microscopic preparation and replace it by hydrogen, all vibratile motion ceases, to be resumed when oxygen is again brought into contact with the cilia.

Carbonic acid and water are produced in the organism as a final result, not merely of direct oxidations (which are doubted) but of organic decompositions effected through the agency of the ferments.

*Putrefaction*: It has been known from all time that the materials which enter into the constitution of animals and plants begin to disintegrate after death, the products of which decomposition have a strong putrid odor. We have not time to enter into a consideration of the recent labors of M. Pasteur and others in this interesting department of scientific study. The phenomena of putrefaction generally demand as their essential condition the absence of all somatic life. We say *generally*, for it is rendered quite probable by recent researches of M. Pasteur and others that certain malignant and infectious diseases are the result of a

veritable putrefaction in the blood under the influence of certain pestilent bacteria and vibriones.

The *V<sup>e</sup> Leçon* treats of the phenomena of organic creation. These are considered under the head of chemical synthesis and morphological synthesis, and in this connection a full history is given of the cell theory and of protoplasm. It is now agreed that the final morphological element of living beings is the cell, but there is a substance *living* and *formative*, capable of indefinite self-multiplication and reproduction which is anterior to the cell—the protoplasm or matter of life. This is the substratum and agent of all chemical and morphological syntheses.

The *VI<sup>e</sup> Leçon* discusses the rôle of chlorophyl in organic syntheses. This substance effects the synthesis of ternary bodies under the influence of solar light. M. Bernard calls chlorophyl the *colored protoplasm*, in distinction from the *uncolored* (or ordinary) protoplasm, which latter can indeed effect complex chemical syntheses, but cannot directly incorporate carbon. Chlorophyl alone is capable of the syntheses of the carbon principles from such simple compounds as carbonic acid. Uncolored protoplasm, with the help of the ternary bodies formed by chlorophyl, can form the syntheses of the most complicated quaternary bodies, the energy employed being heat (from internal combustions), not the direct solar ray. Recent experiments of M. Pasteur and M. Bertholet have shown that the uncolored protoplasm can form the most complex organic compounds without any help from a synthesis previously effected by the chlorophylline protoplasm. In a medium of a most simple constitution, without albumen, without organized products, a granule of a humble vegetable organism known as *mycoderma aceti* was planted. In this culture-fluid without chlorophyl, without light, this granule of *mycoderma* produced a considerable quantity of new cells of *mycoderma* and proteine compounds, as well as fatty matters and cellulose. The fluid of culture (M. Pasteur, in the *Comptes-Rendus*, April 10th, 1876) contained only alcohol, ammonia, phosphoric acid, potash, magnesia, water and oxygen. M. Pasteur also cultivated vibriones in a similar medium.

M. Bernard's experiments to prove that irritability and sensibility are distinguishing characteristics of all animal and vegetable life, and his interesting exposition of general morphological development end this intensely interesting volume.

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*Life: Its True Genesis.* By R. W. WRIGHT. 12° pp. 298.  
New York: G. P. Putnam's Sons. 1880.

THE fundamental idea of this volume is contained in this sentence: "That the primordial germs (meaning germinal principles

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of life) of all living beings, man alone excepted, are in themselves upon the earth, and that they severally make their appearance, each after its kind, whenever and wherever the necessary environing conditions exist."

It is gratifying that the writer saves his reputation for orthodoxy by not including man in his formula, and that the above rigid proposition is based on a passage in the first chapter of Genesis—correctly interpreted, we mean, for Mr. Wright shows his skill in tinkering badly translated texts. "Whose germinal principle of life [*seed*, in King James' Bible] each in itself after its kind, is upon the earth." These "seeds" or germinal principles (elsewhere called vital units) were implanted in the earth at the creation (or "in the beginning"), and derive their origin, not from natural conditions, but from a supernatural act. They are the archetypes of species, whose fixity the author maintains in opposition to the "absurd" and "fatuous" theories of Darwin and Spencer. When the necessary time arrived they "came forth," developed into geese and hens, fish and frogs, mastodons and monkeys; all but man, whose creation demanded the direct interposition of Deity.

Mr. Wright's "Genesis" is, as we have said, a Bible genesis; and to verify and confirm his exegetical deduction he searches the fields of natural science, lance in hand, to deal hard thrusts at impious sceptics, materialists and evolutionists, of whom Mr. Darwin and Mr. Bastian fare the most severely.

We shall quote a few sentences in illustration of the polemics of this writer who has been hailed by a certain portion of the religious press as a savior from the errors and enormities of the evolutionists. It is the same class of callow critics who have been inane or insane enough to suppose Darwin refuted by T. Warren O'Neill, or Herbert Spencer by Prof. Bowne.

On page 281 Mr. Darwin is credited with teaching that our "semi-human progenitors" were "apes that had lost their capacity to subsist as apes, and hence found it necessary to subsist as men."

When or where has Mr. Darwin taught any such doctrine as this? It has the most distant resemblance to Lamarck's notion of the transmutation of species, but is in no sense Darwinism.

"The demoralized monkey becomes the incipient man" (p. 280). No evolutionist teaches such nonsense as this.

On page 291 we read this astounding paragraph:

"When we reflect that all this vast aggregation of sun systems visible in the telescopic field is not stationary, but is revolving with inconceivable rapidity about some unknown and infinitely remote centre of the universe, \* \* \* how unutterably puerile and fatuous the thought of *Mr. Darwin's little whirligig* as the author of it all!"

We confess that this quite takes away our breath, and we wonder to ourselves if Mr. Darwin has ever been guilty of such

atheistic presumption and impiety ! We turn to his principal work, and while we fail to find anything about the "little whirligig" (what can Mr. Wright mean ?), we do find, prefacing the last edition of the *Origin of Species* as mottoes, the following passages which seem to show that Mr. Darwin is at heart a deeply religious man :

"But with regard to the material world we can at least go so far as this—we can perceive that events are brought about, not by insulated interpositions of divine power, exerted in each particular case, but by the establishment of general laws."—W. Whewell, *Brigewater Treatise*.

"To conclude, therefore, let no man out of a weak conceit of sobriety or an ill-applied moderation, think or maintain that a man can search too far, or be too well studied in the book of God's word, or in the book of God's works ; divinity or philosophy ; but rather let men endeavor an endless progress or proficiency in both."—Bacon, *Advancement of Learning*.

In conclusion, we would recommend to Mr. R. W. Wright that he repress his disposition to say "smart" things that *tell*, and that he cultivate the spirit of humility and modesty characteristic of some of these true men of science whom he denounces ; and that he ever keep in mind that dishonesty and unscrupulousness in literary criticism is just as reprehensible and just as abominable in self-gratulant defenders of the faith as it is, or would be, in Professors Bastian, Tyndall or Huxley—or any of the more professed opponents of Christianity.

*English Men of Letters.* Edited by JOHN MORLEY. 12°

New York : Harper & Brothers. 1880.

1. *Cowper.* By GOLDWIN SMITH. pp. 128.
2. *Alexander Pope.* By LESLIE STEPHEN. pp. 209.
3. *Byron.* By JOHN NICHOL. pp. 212.

1. It was not altogether a happy conjunction which brought the task of interpreting a poet of extreme sensibility to the desk of a robust historian ; for it is not extravagant to conclude that one may very well understand the British Constitution and its workings who could not read with sympathy the constitution of Cowper. But, if Mr. Smith's attempt is not satisfying as a whole, he makes occasional points that are well taken and that serve to illustrate some of the best characteristics of the poet. His shorter poems, which bring graceful reflection and touching thought to trivial topics, Mr. Smith regrets to say were too few ; and they were, in fact, work better suited to him than was the translation of Homer. It

is a noteworthy felicity which terms the translation of Homer into verse "the Polar expedition of literature, always failing, yet still desperately renewed." And Mr. Smith's remarks upon Southey's opinion of Cowper as a letter-writer are just, and carefully discriminated. Gray's letters are pieces of fine writing, addressed to literary men; Horace Walpole's are memoirs, Byron's were genuine, but "Cowper's have the true epistolary charm." Some of these letters are given to illustrate the easy conversational flow which marked them all. "But," says Mr. Smith, "they are also the best pictures of his character, and his character is everything." The events of Cowper's life can be put in a brief space, as they have been in Mr. Smith's book; but whoever wishes to understand and rightly judge either Pope or Cowper must keep in constant remembrance the age in which they wrote and the quality of English poetry which surrounded and preceded them.

2. It would have been well for Mr. Stephen, perhaps, if he could have given Mr. Lowell's piquant essay on Pope an appreciative reading before writing his own estimate of that author; though we cannot accuse him of any lack of industry in working out his theme. He has had access to Mr. Elwin's late researches, which serve to throw new light on Pope's correspondence, and he seems to be impressed with a delicate sense of the fact that even with the newest and best aids the attempt to solve all the intricate problems which perplex the study of Pope as a person is to go over a road "full of pitfalls for the unwary." To be "an acute critic, and a patient antiquarian," an antiquarian, too, where the facts to be unearthed are involved in a labyrinth of quarrels and contradictions, is not an outfit which is by any means too common, but it is a necessary one for the biographer of, and commentator on, this poet. Lowell, before writing his brief essay, read and reread everything which ten years ago could be procured in relation to his subject, and he gives us a poet's interpretation and fervor, which would, had it been at hand, have added a little warmth to Mr. Stephen's work. The facts in the case, however, are here well arranged, and perhaps have a sufficiently good portrayal for popular use. If Mr. Stephen is not an "ideal biographer" he is not exactly a dull one, and will interest those who wish to know something about the writer who has left more quotations and minted phrases as a legacy to speech and thought than any other English author except Shakespeare.

Of Pope's literary quality there will always be disputes of taste, that grow out of taste purely. If you are born a Popist or a Wordsworthian, as Lowell intimates, you will remain one; "and there is nothing more to be said of the matter."

3. It is not too much to say that we have in Mr. Nichol's estimate of Byron one of the most acute and temperate, as well as one of the most readable, of the books which make up the interesting

series of Morley's *English Men of Letters*. It brings into an easy perspective all the essential facts in Byron's somewhat lurid career; and, if it does not furnish many new ones, it sets those which are well known in a light that is natural and consistent, and which will help all classes of readers to a wise conclusion in respect to one of the *Dii Majores* of English verse. If it had done nothing more, it deserves well of those who respect reality and decency, for the vigorous manner in which it treats the disgusting scandal which a celebrated American author thought it her duty to exploit, nearly a dozen years ago, in a most injudicious book. "The grounds of this reckless charge have been weighed by those who wished it to prove false, and by those who have wished it to prove true, and found wanting. 'The chaff,'" says Mr. Nichol, "has been beaten in every way and on all sides, without yielding a particle of grain; and it were ill-advised to take up the noxious dust that remains. From nothing left on record by either of the two persons most intimately concerned can we derive any reliable information,"—and all this, taken in connection with Lady Byron's well-known tendency to hallucination and not less curious temperament—though in another way—than Byron's own, and other circumstances not necessary to repeat, leaves not an inch of ground for the ghastly story to stand upon.

Byron succeeded, however, "in making himself—what he wished to be—the most noted personality in the world of letters in our century." Southey and "an American writer of tracts in the form of stories" held him to be "the principle of Evil incarnate"; to the Countess Guiccioli "he is an archangel"; Carlyle rates him as a "sulky dandy"; and Goethe ranks him as the first English poet after Shakespeare, and is followed by the leading critics of France, Italy and Spain. Carlyle said of him, too (in 1839), among other disparagements, that "he taught me nothing that I had not again to forget." "The refrain of Mr. Carlyle's advice during the most active years of his criticism was 'Close thy Byron, open thy Goethe.' We do so, and find that the refrain of Goethe's advice in reference to Byron is: *Nocturnâ versate manu, versate diurnâ*. He urged Eckermann to study English, that he might read him." And many more were the compliments the great German bestowed. Mr. Nichol gives also the verdicts of Castelar, Mazzini, Stendhal, Sainte-Beuve and Taine, and adds: "So many voices of so various countries cannot be simply set aside." In the midst of much judicious criticism of his characteristics, Mr. Nichol says of his subject: "His greatness, as well as his weakness, lay in the fact that from boyhood battle was the breath of his being. To tell him not to fight was like telling Wordsworth not to reflect, or Shelley not to sing." And he concludes with these, among other words: "In good portraits his head has a lurid look as if it had been at a higher temperature than that of other men. \* \* \* We may learn much from him



still, when we have ceased to disparage, as our fathers ceased to idolize, a name in which there is so much warning and so much example."

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*Poems.* By EDWIN ARNOLD. With a Preface written for this Edition by the Author. 16° pp. 246. Boston: Roberts Brothers. 1880.

IT was an eminently proper and happy sequence on the part of Mr. Arnold's American publishers to follow up *The Light of Asia* with the most important lesser poems in that author's repertory. The present book would be quite able to stand alone without help of preface or predecessor; but now that it has an audience ready-made for, and educated to, its quality, its beauty and timeliness will receive all the more emphasis. To those who have been charmed by the previous volume, it will only be necessary to say that the fabric of this is mostly of similar import. Mr. Arnold has won his well-deserved popularity not more by his exquisite sense of poetic symbols and flavors, than by the fact that he has stood and served as the prophet and interpreter of the intellectual moods and passions of the older hemisphere to the younger. There are authors, like Müller, to be sure, who have a more profound and accurate scholarship in Sanskrit, and poets like Swinburne, who can make our English speech amenable to finer *nuances* of expression; but we shall look in vain, doubtless, to find the single writer who unites both acquirements in the same matchless degree. We are not surprised to discover, therefore, in the *Indian Song of Songs*, which is the initial and longest poem in this book, such a feast of Eastern dainties as have not come together before in so small a compass in our tongue. The poem is not here so much a translation, though it is partly that, as it is a paraphrase of the *Gita Govinda* of the Hindoo poet Jayadeva, a poem which has been popular in India for over seven hundred years. The poem was, originally, a musical mystery-play, or pastoral opera, so to speak, and is adapted to a musical system of tunes and changes that is as foreign to our sense of harmony as the Sanskrit tongue is to our vocal organs. It is full of abruptly shifting metres, "fanciful alliterations, assonances, and recurring choruses," some—but not all—of which Mr. Arnold has attempted to reproduce. But, considering that in the Hindoo scheme of music the semitones are accurately divided, and that in Sanskrit a single word may go through a hundred and eight different permutations, the author has evolved out of some bewildering difficulties a poem that pulsates with passion and beauty. In the background against which all that appeals to the ear is set, lies a deep ethical lesson, not peculiar to any one literature, but, if prevalent in all, one deeply marked in Oriental

modes of thought—the search of the soul after absolute rectitude, after the final and highest truth. The erotic warmth with which this lesson is here invested is set forth with glowing imagery, but the last “Sarga,” or canto of the poem, it was thought necessary to omit, in order to keep in compliance with “the canons of Western propriety.”

The *After Death in Arabia*, and *She and He*—gems of a different kind—are each worth a more extended comment than the exigencies of space and time permit. Mr. Arnold has also shown himself happy in some poems rendered from the Greek, and altogether adds fresh laurels, by this collection, to his previous wreath of honor.

*Letters on the Eucharist*, addressed to a Member of the Church of Rome. By E. O. PHINNEY, A. M., M. D. 12° pp. 393. Baltimore: Published for the Author, by D. H. Carroll. 1880.

A Massachusetts physician, of high professional and religious character, had a brother-in-law, to whom he was strongly attached. Both had been life-long Protestants, but through some influence the latter renounced his early faith and became a Roman Catholic. Hence arose between the two an extended but very friendly controversy, chiefly relating to the question of the Holy Sacraments, which to a large extent has occasioned the real difference in the respective systems of belief. The Protestant view of the question has, with great candor and ability, been presented by Dr. Phinney in the series of letters now published. The style is so clear and finished that the reading is a constant pleasure. The spirit is so kind and courteous that the most sensitive Catholic will receive no offence, whilst the industry and the fidelity of the writer in the study and in the citation of his authorities are unmistakable throughout. All the available records, both inspired and patristic, which contain any reference to the subject, have been carefully explored in the original tongues, and their true spirit reflected, so far as accurate scholarship and sound judgment, conscientiously exercised, are able to do it. The book is entitled to rank as a standard authority in its line, and should have a place in the library of every thinking person irrespective of his creed.

*The Perception of Space and Matter.* By Rev. JOHNSTON ESTEP WALTER. 12° pp. 451. Boston: Estes & Lauriat. 1879.

THIS book discusses certain questions which have puzzled the brains of metaphysicians in all ages. What is the nature of

Perception? What is Space? What is Matter? What is it to perceive Space and Matter? These are fundamental problems in metaphysics.

Mr. Walter reviews with considerable ability the various theories of the perception of the external world—that of Reid, of Hamilton, of Bain and of Spencer. He develops at considerable length his own views of matter and space. These are briefly as follows: That we have an immediate, though narrow perception of extension, and a *mediate* perception of external extended realities. Our knowledge of all the properties of matter is mediate and relative; we know those properties only through the affections of the mind which they produce. (This is a philosophical truism which is not worth debating.) "We know the extension of material objects *directly* because extension is a *property of the mind*." But we are unable to follow our author into this metaphysical cloud-land.

There is much in this book which will be unintelligible to the common reader,—and Mr. Walter raises more difficulties than he lays.

How extension can be a *property of the unextended mind*—spiritual being whose very nature forbids extension—is a Gordian knot which Mr. Walker has not the ability either to unravel or to cut.

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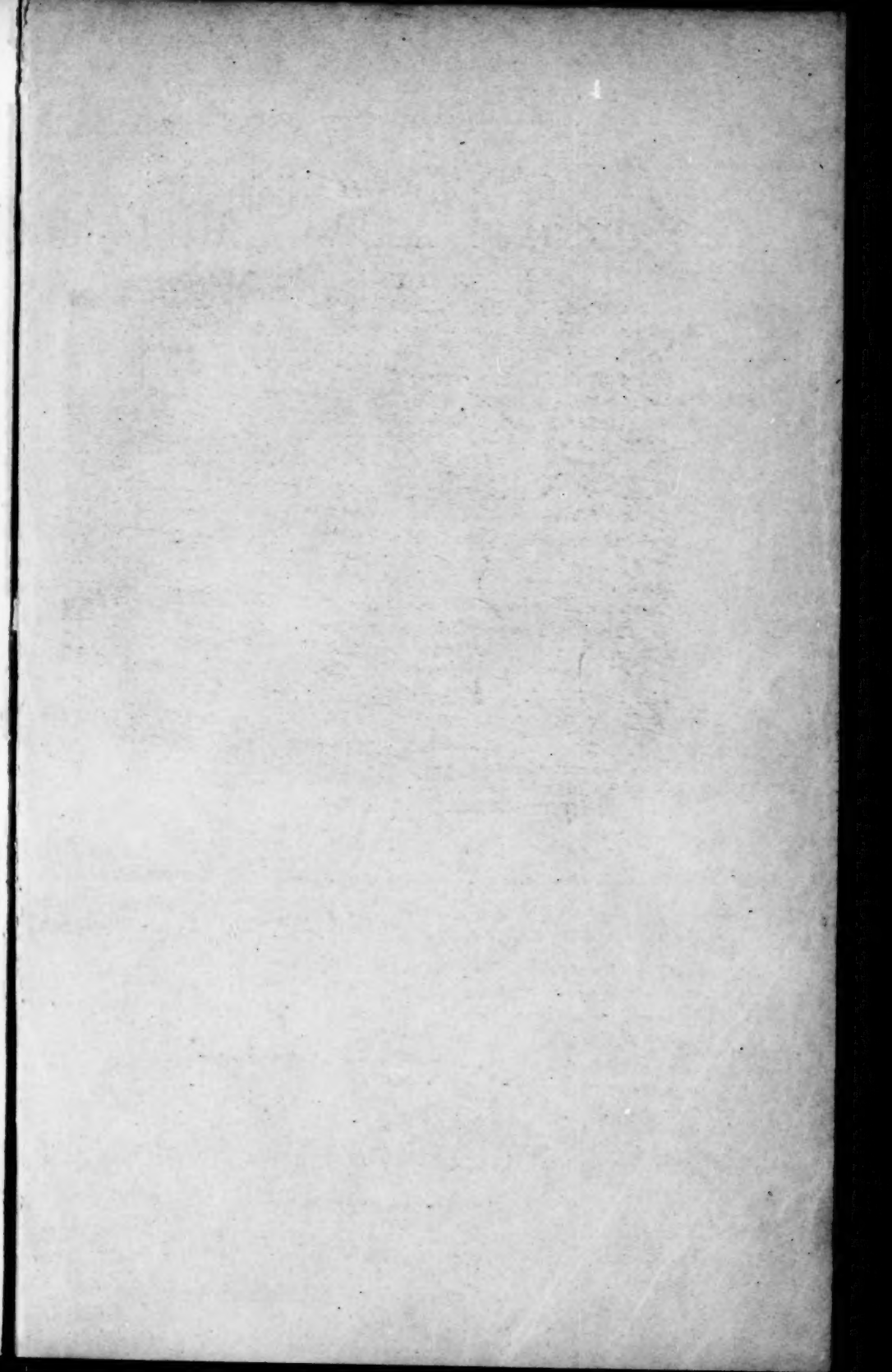
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